

TSD File Inventory Index

Date: June 10, 2010

Initial: CMH/mao

Facility Name: <u>Iron Identity Solutions (One Folder / Site)</u>			
Facility Identification Number: <u>11D 984 791 798</u>			
A.1 General Correspondence		B.2 Permit Docket (B.1.2)	
A.2 Part A / Interim Status		.1 Correspondence	
.1 Correspondence	✓	.2 All Other Permitting Documents (Not Part of the ARA)	
.2 Notification and Acknowledgment	✓	C.1 Compliance - (Inspection Reports)	
.3 Part A Application and Amendments	✓	C.2 Compliance/Enforcement	
.4 Financial Insurance (Sudden, Non Sudden)		.1 Land Disposal Restriction Notifications	✓
.5 Change Under Interim Status Requests		.2 Import/Export Notifications	
.6 Annual and Biennial Reports		C.3 FOIA Exemptions - Non-Releasable Documents	
A.3 Groundwater Monitoring		D.1 Corrective Action/Facility Assessment	
.1 Correspondence		.1 RFA Correspondence	
.2 Reports		.2 Background Reports, Supporting Docs and Studies	
A.4 Closure/Post Closure		.3 State Prelim. Investigation Memos	
.1 Correspondence	✓	.4 RFA Reports	
.2 Closure/Post Closure Plans, Certificates, etc	✓	D. 2 Corrective Action/Facility Investigation	
A.5 Ambient Air Monitoring		.1 RFI Correspondence	
.1 Correspondence		.2 RFI Workplan	
.2 Reports		.3 RFI Program Reports and Oversight	
B.1 Administrative Record		.4 RFI Draft /Final Report	
		5. RFI QAPP	

Total - 1

.6 RFI QAPP Correspondence		.8 Progress Reports	
.7 Lab Data, Soil-Sampling/Groundwater		D.5 Corrective Action/Enforcement	
.8 RFI Progress Reports		.1 Administrative Record 3008(h) Order	
.9 Interim Measures Correspondence		.2 Other Non-AR Documents	
.10 Interim Measures Workplan and Reports		D.6 Environmental Indicator Determinations	
D.3 Corrective Action/Remediation Study		.1 Forms/Checklists	
.1 CMS Correspondence		E. Boilers and Industrial Furnaces (BIF)	
.2 Interim Measures		.1 Correspondence	
.3 CMS Workplan		.2 Reports	
.4 CMS Draft/Final Report		F Imagery/Special Studies (Videos, photos, disks, maps, blueprints, drawings, and other special materials.)	
.5 Stabilization		G.1 Risk Assessment	
.6 CMS Progress Reports		.1 Human/Ecological Assessment	
.7 Lab Data, Soil-Sampling/Groundwater		.2 Compliance and Enforcement	
D.4 Corrective Action Remediation Implementation		.3 Enforcement Confidential	
.1 CMI Correspondence		.4 Ecological - Administrative Record	
.2 CMI Workplan		.5 Permitting	
.3 CMI Program Reports and Oversight		.6 Corrective Action Remediation Study	
.4 CMI Draft/Final Reports		.7 Corrective Action/Remediation Implementation	
.5 CMI QAPP		.8 Endangered Species Act	
.6 CMI QAPP Correspondence		.9 Environmental Justice	
1. _____			

Note: Transmittal Letter to Be Included with Reports.

Comments: _____



Advanced Searches



Select the options with which to search:

All searches are based on an **and** condition. [Hint](#)

Basic		Wildcard		Owner / Operator	
Handler ID: <input type="text" value="ILD984791798"/>		Handler Name: <input type="text"/>			
Location Street Number: <input type="text"/>		Location Street Name: <input type="text"/>			
Location City: <input type="text"/>		Location State: <input type="text" value="ILLINOIS"/>		Location Zip: <input type="text"/>	
Location County: <input type="text" value="Select"/>		State District: <input type="text"/>			
<input type="checkbox"/> Check this box to search on active sites only.		<input type="checkbox"/> Click this box to also Search Other IDs.			

[Search](#) [Reset Form](#) [Back to Main Menu](#)

Page: 1

There are 1 records, displaying 1 - 1. Select the handler to process.

	Act Loc	▲ Handler ID ▼	▲ Handler Name ▼	▲ Address ▼	▲ City ▼	▲ State ▼	▲ County ▼	Active Status	In a Universe	Controls in Place
1	IL	ILD984791798	ICON IDENTITY SOLUTIONS	2480 GREENLEAF	ELK GROVE VILLAGE	IL	COOK	H—	Y	N

Page: 1

URL: /rcrainfo/searches/search.jsp



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

May 17, 1994

ACME-WILEY CORPORATION
ATTN KATHLEEN ROEBEN
2480 GREENLEAF AVE
ELK GROVE VILLAGE IL 60007

RECEIVED
WMD RECORD CENTER

MAY 20 1994

RE: US EPA ID Number ILD 984 791 798

Location: 2480 GREENLEAF AVE

ELK GROVE VILLAGE IL

In response to your correspondence of APRIL 28, 1994, the following
information has been updated:

INSTALLATION CONTACT TO KATHLEEN ROEBEN

If you have any questions, please call me at (312) 886-6173.

Sincerely,

Sharon Kiddon
RCRA Notifications Coordinator
Waste Management Division

cc: State Agency
File



Printed on Recycled Paper



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 5
RCRA ACTIVITIES
P.O. BOX A3587
CHICAGO, ILLINOIS 60690

NOV 19 1990

Mr. Tom P. Trippiedi
ACME Wiley Corporation
2480 Greenleaf Ave.
Elk Grove Village, IL 60007

RE: EPA ID #: ILD 984 791 798

In response to your request of October 15, 1990 the following information
has been updated:

Contact Person: Thomas P. Trippiedi
Hazardous Waste Activity: Small Quantity Generator
Hazardous Waste Description Code: F005

If you have questions, please contact Sharon Kiddon at (312)886-6173.

Sincerely,

A handwritten signature in dark ink, appearing to read "Arthur S. Kawatachi".

Arthur S. Kawatachi
Information Section
RCRA Program Management Branch

cc: State Agency
File -



EPA

1722
United States Environmental Protection Agency
Washington, DC 20460
Notification of Hazardous Waste ActivityPlease refer to the *Instructions for Filing Notification* before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).**For Official Use Only**

Comments

S

Installation's EPA ID Number

Approved

Date Received
(yr. mo. day)

NOV 02 1990

U. S. EPA, REGION V
SWR - PMS**I. Name of Installation**

A C M E W I L E Y C O R P O R A T I O N

II. Installation Mailing Address

Street or P.O. Box

C 3 2 4 8 0 G R E E N L E A F A V E N U E

City or Town

State

ZIP Code

C 4 E L K G R O V E V I L L A G E I L 6 0 0 0 7

III. Location of Installation

Street or Route Number

C 5 S M E

City or Town

State

ZIP Code

C 6

IV. Installation Contact

Name and Title (last, first, and job title)

Phone Number (area code and number)

C 2 T R I P P I E D I T O M 7 0 8 3 6 4 2 2 5 0

V. Ownership

A. Name of Installation's Legal Owner

B. Type of Ownership (enter code)

C R A C M E W I L E Y C O R P P

VI. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to instructions.)**A. Hazardous Waste Activity****B. Used Oil Fuel Activities**

- ☐ 1a. Generator ☒ 1b. Less than 1,000 kg/mo.
☐ 2. Transporter
☐ 3. Treater/Storer/Disposer
☐ 4. Underground Injection
☐ 5. Market or Burn Hazardous Waste Fuel
(enter 'X' and mark appropriate boxes below)
☐ a. Generator Marketing to Burner
☐ b. Other Marketer
☐ c. Burner

- ☐ 6. Off-Specification Used Oil Fuel
(enter 'X' and mark appropriate boxes below)
☐ a. Generator Marketing to Burner
☐ b. Other Marketer
☐ c. Burner
☐ 7. Specification Used Oil Fuel Marketing to Burner
(enter 'X' and mark appropriate boxes below)
Who First Claims the Oil Meets the Specification

VII. Waste Fuel Burning: Type of Combustion Device (enter 'X' in all appropriate boxes to indicate type of combustion device(s) in which hazardous waste fuel or off-specification used oil fuel is burned. See instructions for definitions of combustion devices.)

- ☐ A. Utility Boiler ☐ B. Industrial Boiler ☐ C. Industrial Furnace

VIII. Mode of Transportation (transporters only — enter 'X' in the appropriate box(es))

- ☐ A. Air ☐ B. Rail ☐ C. Highway ☐ D. Water ☐ E. Other (specify)

IX. First or Subsequent Notification

Mark 'X' in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA ID Number in the space provided below.

- ☐ A. First Notification ☒ B. Subsequent Notification (complete item C)

C. Installation's EPA ID Number

I L D 9 8 4 7 9 1 7 9 8

ID — For Official Use Only																
C															T/A	C
W																1

X. Description of Hazardous Wastes (continued from front)

A. Hazardous Wastes from Nonspecific Sources. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from nonspecific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
F 0 0 5					
7	8	9	10	11	12

B. Hazardous Wastes from Specific Sources. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific sources your installation handles. Use additional sheets if necessary.

13	14	15	16	17	18
19	20	21	22	23	24
25	26	27	28	29	30

C. Commercial Chemical Product Hazardous Wastes. Enter the four-digit number from 40 CFR Part 261.33 for each chemical substance your installation handles which may be a hazardous waste. Use additional sheets if necessary.

31	32	33	34	35	36
37	38	39	40	41	42
43	44	45	46	47	48

D. Listed Infectious Wastes. Enter the four-digit number from 40 CFR Part 261.34 for each hazardous waste from hospitals, veterinary hospitals, or medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54

E. Characteristics of Nonlisted Hazardous Wastes. Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles. (See 40 CFR Parts 261.21 — 261.24)

☐ 1. Ignitable
(D001)

☐ 2. Corrosive
(D002)

☐ 3. Reactive
(D003)

☐ 4. Toxic
(D000)

XI. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature

Thomas P. Trippiedi

Name and Official Title (type or print)

PURCHASING AGENT

Date Signed

10-15-90

United States Environmental Protection Agency
Washington, DC 20460

Notification of Hazardous Waste Activity

Please refer to the Instructions for Filing Notification before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).

For Official Use Only

Comments

0314405015

RECEIVED

APR 28 1994

Installation's EPA ID Number

Approved

Date Received
(yr. mo. day)

C F I L D 9 8 4 7 9 1 7 9 8 T/A C 1

I. Name of Installation

A C M E - W I L E Y C O R P O R A T I O N

SWB - FMS

II. Installation Mailing Address

Street or P.O. Box

C 3 2 4 8 0 G R E E N L E A F A V E N U E

City or Town

State

ZIP Code

C 4 E L K G R O V E V I L L A G E I L 6 0 0 0 7

III. Location of Installation

Street or Route Number

C 5 S A M E A S A B O V E

City or Town

State

ZIP Code

IV. Installation Contact

Name and Title (last, first, and job title)

Phone Number (area code and number)

C 2 R O E B E N , K A T H L E E N _ H R M 7 0 8 3 6 4 2 2 5 0

V. Ownership

A. Name of Installation's Legal Owner

B. Type of Ownership (enter code)

C R R O G E R L . O ' N E I L L P

VI. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes. Refer to instructions.)

A. Hazardous Waste Activity

B. Used Oil Fuel Activities

- ☒ 1a. Generator ☐ 1b. Less than 1,000 kg/mo.
- ☐ 2. Transporter
- ☐ 3. Treater/Storer/Disposer
- ☐ 4. Underground Injection
- ☐ 5. Market or Burn Hazardous Waste Fuel (enter 'X' and mark appropriate boxes below)
- ☐ a. Generator Marketing to Burner
- ☐ b. Other Marketer
- ☐ c. Burner

- ☐ 6. Off-Specification Used Oil Fuel (enter 'X' and mark appropriate boxes below)
- ☐ a. Generator Marketing to Burner
- ☐ b. Other Marketer
- ☐ c. Burner
- ☐ 7. Specification Used Oil Fuel Marketer (or On site Burner) Who First Claims the Oil Meets the Specification

VII. Waste Fuel Burning: Type of Combustion Device (enter 'X' in all appropriate boxes to indicate type of combustion device(s) in which hazardous waste fuel or off-specification used oil fuel is burned. See instructions for definitions of combustion devices.)

- ☐ A. Utility Boiler ☐ B. Industrial Boiler ☐ C. Industrial Furnace

VIII. Mode of Transportation (transporters only — enter 'X' in the appropriate box(es))

- ☐ A. Air ☐ B. Rail ☐ C. Highway ☐ D. Water ☐ E. Other (specify)

IX. First or Subsequent Notification

Mark 'X' in the appropriate box to indicate whether this is your installation's first notification of hazardous waste activity or a subsequent notification. If this is not your first notification, enter your installation's EPA ID Number in the space provided below.

- ☐ A. First Notification ☒ B. Subsequent Notification (complete item C)

C. Installation's EPA ID Number

I L D 9 8 4 7 9 1 7 9 8

D For Official Use Only									
C									
W									

X Description of Hazardous Wastes (continued from front)

A Hazardous Wastes from Nonspecific Sources. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from nonspecific sources your installation handles. Use additional sheets if necessary.

1 F 0 0 3	2 F 0 0 5	3 D 0 0 7	4 D 0 3 5	5	6
7	8	9	10	11	12

B Hazardous Wastes from Specific Sources. Enter the four-digit number from 40 CFR Part 261.32 for each listed hazardous waste from specific sources your installation handles. Use additional sheets if necessary.

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43	44	45	46	47	48

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49	50	51	52	53	54
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E Characteristics of Nonlisted Hazardous Wastes. Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles (See 40 CFR Parts 261.21 - 261.24).

☒ 1. Ignitable (D001)

☐ 2. Corrosive (D002)

☐ 3. Reactive (D003)

☐ 4. Toxic (D000)

XI. Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

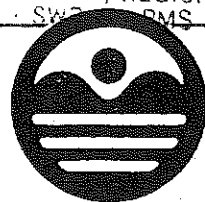
Signature m <i>Rm a ONLUK</i>	Name and Official Title (type or print) Roger L. O'Neill - Owner	Date Signed April 6, 1994
----------------------------------	---	------------------------------

Illinois Environmental Protection Agency
Division of Land Pollution Control
NON-NOTIFIER IDENTIFICATION FORM

SEP 04 1990

U. S. EPA, REGION V
SWP RMS

DATE: 8 / 24 / 90
TO: Art Kawatachi, USEPA
FROM: Michael Walwer, IEPA
RE: Non-Notifiers



1. Name of Facility: Acme WILEY CORPORATION
Facility Mailing Address: 2480 GREENLEAF
ELK GROVE VILLAGE IL 60007
City or Town State Zip Code
2. Location of Facility: SAME AS ABOVE
City or Town State Zip Code
3. Facility Contact: DON DAVIS - SAFETY COORDINATOR
Phone Number: 708/364-2250
Area Code & Number
4. Type of Hazardous Waste Activity if Determined:
☒ Generation ☐ Transportation
☒ Treat/Store/Dispose ☐ Underground Injection
(Circle Applicable Activities)
5. Description of State Follow-Up Action (Including Name of State Assignee, File Data Reviewed, Person(s) Contacted by State, Date(s) and Type of Contact(s), and Information Obtained): SEE ATTACHED CEI INSP. REPORT
6. List of Significant Apparent Violations: SEE ATTACHED CEI INSP. REPORT
7. List of Supporting Documents Attached: SEE ATTACHED CEI INSP. REPORT

TO BE COMPLETED BY USEPA -- (INFORMATION MANAGEMENT SECTION)

8. Please Fill in USEPA ID Number & Return:
IL D 9 8 4 7 9 1 7 9 8

X Description of Hazardous Wastes (continued from front)

A Hazardous Wastes from Nonspecific Sources. Enter the four-digit number from 40 CFR Part 261.31 for each listed hazardous waste from nonspecific sources your installation handles. Use additional sheets if necessary.

1	2	3	4	5	6
F 0 0 3	F 0 0 5	D 0 0 7	D 0 3 5		
7	8	9	10	11	12

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31	32	33	34	35	36
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43	44	45	46	47	48

D Listed Infectious Wastes. Enter the four-digit number from 40 CFR Part 261.34 for each hazardous waste from hospitals, veterinary hospitals, or medical and research laboratories your installation handles. Use additional sheets if necessary.

49	50	51	52	53	54

E Characteristics of Nonlisted Hazardous Wastes. Mark ☒ in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles. (See 40 CFR Parts 261.21 and 261.24)

<input checked="" type="checkbox"/> 1 Ignitable (D001)	<input type="checkbox"/> 2 Corrosive (D002)	<input type="checkbox"/> 3 Reactive (D003)	<input type="checkbox"/> 4 Toxic (D000)
--	---	--	---

XI Certification

I certify under penalty of law that I have personally examined and am familiar with the information submitted on this and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

Signature m <i>Rm a O'Neill</i>	Name and Official Title (type or print) Roger L. O'Neill - Owner	Date Signed April 6, 19
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A.4 Closure/
Post-Closure



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

USEPA

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/524-3300

June 27, 1994

RECEIVED
WMD RECORD CENTER

JUL 07 1994

Safety-Kleen Corporation
Attn: Robert A Schoepke
1000 N. Randall Road
Elgin, Illinois 60131

Re: 0310960015 -- Cook County
Safety-Kleen Corporation
ILD984791798
Log No. C-731
Received: April 4, 1994
RCRA Closure

Dear Mr. Schoepke:

The closure plan submitted by Safety-Kleen Corporation, prepared by Trihydro Corporation has been reviewed. Your final closure plan to close the one underground hazardous waste tank (S02), two (2) hazardous waste container (S01) storage areas (a 966 square foot area and a 40 square foot area) and the return fill shelter (which consists of two 375-gallon metal dumpsters) at the above-referenced facility is hereby approved subject to the following conditions and modifications:

1. Closure activities must be completed by January 1, 1995. When closure is complete the owner or operator must submit to the Agency certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan. This certification must be received at this Agency within sixty (60) days after closure, or by March 1, 1995. These dates may be revised if Safety-Kleen Corporation finds that additional time is required to complete the prescribed closure activities and Safety-Kleen Corporation demonstrates it is attempting to complete the required closure activities in a timely manner.

The attached closure certification form must be used. Signatures must meet the requirements of 35 Ill. Adm. Code Section 702.126. The independent engineer should be present at all critical, major points (activities) during the closure. These might include soil sampling, soil removal, backfilling, final cover placement, etc. The frequency of inspections by the independent engineer must be sufficient to determine the adequacy of each critical activity. Financial assurance must be maintained for the units approved for closure herein until the Agency approves the facility's closure certification.

The Illinois Professional Engineering Act (Ill. Rev. Stat., Ch. 111, par. 5101 et. seq.) requires that any person who practices professional engineering in the State of Illinois or implies that he (she) is a

professional engineer must be registered under the Illinois Professional Engineering Act (par. 5101, Sec. 1). Therefore, any certification or engineering services which are performed for a closure plan in the State of Illinois must be done by an Illinois P.E.

Plans and specifications, design, drawings, reports, and other documents rendered as professional engineering services, and revisions of the above must be sealed and signed by a professional engineer in accordance with par. 5119, sec. 13.1 of the Illinois Professional Engineering Act.

As part of the closure certification, to document the closure activities at your facility, please submit a Closure Documentation Report which includes:

- a. The volume of waste, waste residue and contaminated soil (if any) removed. The term waste includes wastes resulting from decontamination activities.
- b. Scaled drawings showing the horizontal and vertical boundaries of the extent of any soil removal effort.
- c. A description of the method of waste handling and transport.
- d. The waste manifest numbers.
- e. Copies of the waste manifests.
- f. Information documenting the results of all sampling/analysis efforts. The goal of presenting this information should be to describe, in a logical manner, the activities and results associated with the sampling/analysis effort. At a minimum, this information must include:
 1. identification of the reason for the sampling/analysis effort and the goals of the effort;
 2. a summary in tabular form of all analytical data, including all quality assurance/quality control data;
 3. a scaled drawing showing the horizontal location from which all soil samples were collected;
 4. identification of the depth and vertical interval from which each sample was collected;
 5. a description of the soil sampling procedures, sample preservation procedures and chain of custody procedures;
 6. identification of the test method used and detection limits achieved, including sample preparation, sample dilution (if necessary) and analytical inferences;

7. copies of the final laboratory report sheets, including final sheets reporting all quality assurance/quality assurance dates;
 8. visual classification of each soil sample in accordance with ASTM D-2488; and
 9. a summary of all procedures used for quality assurance/quality control, including the results of these procedures;
 10. a discussion of the data, as it related to the overall goal of the sampling/analysis effort.
- g. A chronological summary of closure activities and the cost involved.
- h. Color photo documentation of closure. Document conditions before, during and after closure.

The original and two (2) copies of all certifications, logs, or reports which are required to be submitted to the Agency by the facility should be mailed to the following address:

Illinois Environmental Protection Agency
Bureau of Land -- #33
Permit Section
2200 Churchill Road
Post Office Box 19276
Springfield, Illinois 62794-9276

2. Due to the close proximity of the product mineral spirits UST to the waste mineral spirits UST, removal of that UST and subsequent remediation of any contaminated soil and/or groundwater shall be carried out in accordance with this closure plan approval letter.
3. Due to the fact the state operating permit for this facility requires closure of all units, the paint waste transfer shelter and the two fluid recovery service transfer shelters must be decontaminated in accordance with this closure approval letter.
4. If the Agency determines that implementation of this closure plan fails to satisfy the requirements of 35 Ill. Adm. Code 725.211, the Agency reserves the right to amend the closure plan. Revisions of closure plans are subject to the appeal provisions of Section 40 of the Illinois Environmental Protection Act.
5. If contamination is detected, the Agency must be notified in writing within fifteen (15) days. A revised closure plan addressing remediation of the contamination detected must be submitted within timeframes established by the Agency.
6. Under the provisions of 29 CFR 1910 (51 FR 15,654, December 19, 1986), cleanup operations must meet the applicable requirements of OSHA's Hazardous Waste Operations and Emergency Response standard. These

requirements include hazard communication, medical surveillance, health and safety programs, air monitoring, decontamination and training. General site workers engaged in activities that expose or potentially expose them to hazardous substances must receive a minimum of 40 hours of safety and health training off site plus a minimum of three days of actual field experience under the direct supervision of a trained experienced supervisor. Managers and supervisors at the cleanup site must have at least an additional eight hours of specialized training on managing hazardous waste operations.

7. The concrete/asphalt surfaces associated with the two container storage areas and the return and fill station surfaces shall be visually inspected, photographed and any residue adhering to the surface tanks and container storage areas must be removed by scraping and/or brushing. Following this, the concrete/asphalt surfaces must be steam cleaned and triple rinsed. All wash and rinse water shall be collected. If the wash or rinse water samples exhibit a characteristic of hazardous waste then that material must be managed as a hazardous waste.

After cleaning the concrete/asphalt surfaces, an independent registered professional engineer shall inspect the integrity of the asphalt surfaces as it related to the ability of these surfaces to contain liquid. This surface shall be inspected for cracks which penetrate through the concrete. In addition, all construction joints must be inspected to ensure they are watertight. This inspection should be carried out in accordance with standards and recommendations of professional/technical entities such as the American Concrete Institute, the Portland Cement Association, the American Society for Testing and Materials, the American Society of Civil Engineers, etc. as they relate to the ability of concrete/asphalt surfaces to contain liquids. The results of this inspection shall be: (1) documented in the form of a report, and (2) certified by an independent Illinois registered professional engineer in accordance with 35 Ill. Adm. Code 702.106. A copy of this report must be submitted along with the closure documentation report required by Condition 2 above. The report must include:

- a. The results of the inspection;
- b. Scaled drawings showing the location of all cracks and construction joints observed during the inspection;
- c. Conclusions reached regarding the potential for hazardous wastes and/or hazardous constituents to migrate through any cracks or construction joints observed in the areas of concern;
- d. Justification for the conclusions reached (e.g., information must be provided which indicates that any construction joints in the area of concern are indeed watertight); and

- e. Photographs to support the conclusions reached.
8. If joints or other defects are found in the base of the storage areas during the inspection required by Condition 7 above which would potentially allow hazardous waste or hazardous constituents to migrate through them, then soil samples must be collected from beneath them to determine if hazardous waste or hazardous constituents have been released to the underlying soil.
 - a. Samples must be collected from at least one location along each joint/crack. The location from which samples are collected along each crack must be biased to any area where there is staining or any low-lying area along the joint/crack.
 - b. Samples must be collected once every 10' along each individual crack;
 - c. Samples must be collected from 0"-6" and from 18"-24" below the backfill/natural soil interface at each location;
 - d. The procedures used to collect and analyze all samples shall be carried out in accordance with the procedures approved in this letter.
9. All soil samples required to be collected in accordance with Condition 6 above and the approved closure plan modification request shall be analyzed for:
 - a. Volatile organic compounds using Method 8240 in SW-846. All constituents listed in Table 1 of Method 8240 must be analyzed for and the practical quantitation limits listed in this table should be achieved during these analyses;
 - b. Semi-volatile organic compounds using Method 8270 of SW-846. All constituents in Table 2 of Method 8270 must be analyzed for and the practical quantitation limit in that table should be achieved;
 - c. Cadmium, chromium and lead using Method 6010 in SW-846;
 - d. Mineral spirits using Test Method 8015 of SW-846.
10. To ensure the clean-closure requirements of 35 Ill. Adm. Code IAC 725.211 and 725.214 are met, all soil which remains beneath and around the two units undergoing closure should meet the following cleanup objectives (CUOs):

<u>Constituent</u>	<u>Objective (mg/kg)</u>
Acetone	0.7
Benzene	0.025
Cadmium (TCLP)	0.05*
Chromium (TCLP)	1.0*
Chlorobenzene	0.5

P-Cresol	0.66
1,1-Dichloroethane	3.5
1,1-Dichlorethene	0.035
Cis-1,2-Dichloroethylene	0.2
trans-1,2-Dichlorethylene	0.5
Ethylbenzene	1.0
Lead (TCLP)	0.1*
Mineral Spirits	50
Toluene	2.5
Tetrachloroethene	0.025
1,1,1-Trichloroethane	1.0
Trichloroethylene	0.025
Vinyl Chloride	0.01
Xylene	10

NOTES

TCLP: Toxicity Characteristic Leaching Procedure.

*These objectives are based upon the analysis of the extract of the TCLP test described in Method 1311 of SW-846. The units of these objectives are mg/l. Based upon the results of the soil sampling/analysis efforts conducted as part of this closure. Safety-Kleen may develop and propose alternative clean-up objectives to those set forth above. If Safety-Kleen desires in the future not to propose alternate objectives, then it should first meet with the Agency to discuss the procedures to be used in developing the alternative objectives. Final Agency action on any proposed alternate clean-up objectives will be subject to the appeal provision of Section 39 and 40 of the Illinois Environmental Protection Act.

11. The Agency shall be notified in writing if contaminants not listed in Condition 10 are detected above their respective practical quantitation limit. This notification shall identify the additional constituents detected and the concentration at which they were detected. The Agency will review this information and establish cleanup objectives for the newly detected contaminants, if necessary. The sampling and analysis effort being carried out to determine the extent of contamination shall not be delayed while the Agency is reviewing this information.
12. If soil is encountered during the sampling/analysis efforts required by this approval letter and the submitted closure plan which contains contaminants above the CUOs established in Condition 10 above, then additional soil samples must be collected, as necessary to determine the horizontal and vertical extent of soil which exceed these CUOs. The procedures used to collect and analyze these samples must be in accordance with those approved in this letter. The procedures used to determine the horizontal and vertical locations from which soil samples are to be collected should be carried out in accordance with Sections 13.a and 13.b of the Agency's RCRA closure plan instructions (revised December 1990). However, no random sampling shall be used in making this determination.

13. All soil samples shall be analyzed individually (i.e., no compositing). Sampling and analytical procedures shall be conducted in accordance with Test Methods for Evaluating Solid Wastes, Third Edition (SW-846) and Attachment 7 to this Agency's closure plan instruction package. When a SW-846 (Third Edition) analytical method is specified, all the chemicals listed in the Quantitation Limits Table for that method shall be reported unless specifically exempted in writing by the Agency. When visually discolored or contaminated material exists within an area to be sampled, horizontal placement of sampling locations shall be adjusted to include such visually discolored and/or contaminated areas. Sample size per interval shall be minimized to prevent dilution of any contamination.

Apparent visually contaminated material within a sampling interval shall be included in the sample portion of the interval to be analyzed.

14. Collection, handling, preservation, preparation and analysis of all required soil samples shall be carried out in accordance with the procedures set forth in this letter and SW-846. In addition, quality assurance/quality control procedures meeting the requirements set forth in SW-846 must be carried out during all aspects of the required soil sampling/analysis effort.
15. In addition to scraping steam cleaning and triple rinsing the concrete pads, and tanks at all the units mentioned in the opening paragraph of this letter and Condition 3 above, all equipment and devices involved in the closure shall be thoroughly cleaned after use.
16. Contaminated soil may be excavated and disposed off-site at any time during closure. The goal of any such effort should be to remove all soil which exceeds the established cleanup objectives.
17. If soil excavation is the chosen remedial action for any soil contamination encountered, then soil samples must be collected for analysis from the bottom and sidewalls of the final excavation from which contaminated soil was removed. This sampling and analysis effort must be (1) sufficient to demonstrate that the remaining soil meets the established cleanup objectives and (2) carried out in accordance with the following procedures:
 - a. A grid system as set forth in Section 13.b of the Agency's closure plan instructions should be established over the excavation.
 - b. Samples should be collected from the floor of the excavation at each grid intersection, including intersections along the perimeter of the excavation.
 - c. Samples should be collected 6"-12" from the top of the excavation wall at each grid intersection around the excavation perimeter. Samples must also be collected at the midpoint of the excavation wall at each grid intersection along the excavation perimeter.
 - d. Collection/analysis of all required samples should be in accordance with the procedures approved in this letter.

- e. Soil samples which must be analyzed for volatile organic compounds shall be collected using Attachment 7 of the Agency's RCRA closure plan instructions. In addition, such samples must be collected 6"-12" beneath the floor/sidewalls of the excavation to minimize the possibility of volatilization of the contaminants prior to the collection of the samples.
 - f. No random sampling shall be conducted to verify that the cleanup objectives have been met.
- 18. If soil excavation is the chosen remedial action for any soil contamination encountered, then additional soil must be removed, as necessary, until it can be demonstrated that the remaining soil in and around the area of concern meets the established cleanup objectives. Additional samples must be collected and analyzed in accordance with Condition 17 above from areas where additional soil has been removed.
 - 19. If a decision is made that soil excavation and off-site disposal is not the preferred remedial action for this closure, then the Agency must be notified in writing when such a determination is made. At that time, the Agency will provide Safety-Kleen with additional guidance regarding the information which must be submitted to the Agency for review and approval relative to the alternative remedial action which the facility would like to implement.
 - 20. If groundwater is encountered during any soil removal or sampling activities prior to reaching soil which meets the cleanup objectives, a plan to investigate for potential groundwater contamination must be submitted to the Agency for review and approval. Such a plan must be submitted within sixty (60) days after the date that the analytical results are received which indicate that soil contamination extends to the water table. In addition, the Agency shall be notified in writing of this discovery within five (5) days after these analytical results are received.
 - 21. If clean closure cannot be achieved pursuant to 35 Ill. Adm. Code 725.211, 725.214 and/or 725.297(a), then a modified closure plan and a post-closure plan prepared pursuant to 35 Ill. Adm. Code Section 725, Subpart G must be submitted to the Agency for review and approval within 60 days of such a determination.
 - 22. To avoid creating another regulated storage unit during closure, it is recommended that you obtain any necessary permits for waste disposal prior to initiating excavation activities. If it is necessary to store excavated hazardous waste on-site prior to off-site disposal, do so only in containers or tanks for less than ninety (90) days. Do not create regulated waste pile units by storing the excavated hazardous waste in piles. The ninety (90) day accumulation time exemption (35 Ill. Adm. Code 722.134) only applies to containers and tanks.

23. Please be advised that the requirements of the Responsible Property Transfer Act (Public Act 85-1228) may apply to your facility due to the management of RCRA hazardous waste. In addition, please be advised that if you store or treat on-site generated hazardous waste in containers or tanks pursuant to 35 Ill. Adm. Code 722.134, those units are subject to the closure requirements identified in 35 Ill. Adm. Code 722.134(a)(1).
24. All hazardous wastes that result from this project are subject to annual reporting as required in 35 Ill. Adm. Code 722.141 and shall be reported to the Agency by March 1 of the following year for wastes treated and left on-site or shipped off-site for storage, treatment and/or disposal during any calendar year. Additional information and appropriate report forms may be obtained from the Agency by contacting:

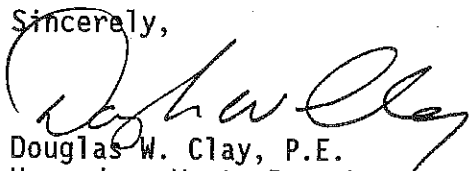
Facility Reporting Unit
Division of Land Pollution Control
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

25. The attached form entitled RCRA Interim Status Closure and Post Closure Care Plan General Form (LPC-PA18) must be completed and accompany all information submitted to the Agency associated with the closure activities described in this letter. As noted on this form, two copies must accompany the original of all submittals, so that the information submitted can be distributed, as necessary, to Agency personnel, Agency regional offices and/or USEPA.
26. Soil samples must be collected every 20' along the final excavation walls associated with the waste mineral spirit tank and the product mineral spirit tank.
27. Soil samples must be collected from three locations around the former location of the 2,000 gallon waste sludge UST identified in Mr. Robert Schoepke's submittal of May 4, 1994.
- The location of these samples shall be uniformly distributed throughout the area where the tank was once located;
 - The samples collected for analysis at each location should be obtained from the approximate bottom invert of the former tank;
 - Each collected sample shall be analyzed for the constituents identified in Condition 9 above.
 - This sampling/analysis will not be necessary if soil remediation efforts extend to this area. In such case, the soil sampling/analysis required as part of the remediation effort in this area will supersede this sampling/analysis requirement.

Page 10

Should you have any questions regarding this matter, please contact William T. Sinnott, II at 217/524-3300.

Sincerely,



Douglas W. Clay, P.E.
Hazardous Waste Branch Manager
Permit Section, Bureau of Land

DWC:WTS:sad/0289W,1-10sp
SKM

Attachment: Closure Certification Statement

cc: USEPA Region V -- George Hamper



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/524-3300

June 22, 1994

Acme-Wiley Corporation
2480 Greenleaf Avenue
Elk Grove Village, Illinois 60007

Re: 0314405015 -- Cook County
Acme-Wiley Corporation
ILD984791798
Log No. C-730
Received: March 28, 1994
RCRA Closure

Dear Ms. Roeben:

The closure plan submitted by Acme-Wiley Corporation has been reviewed by this Agency. Your final closure plan to close the hazardous waste container (S01) storage area at the above-referenced facility (location shown in Exhibit C of the subject closure plan) is hereby approved, subject to the following conditions and modifications:

1. Closure activities must be completed by January 1, 1995. When closure is complete the owner or operator must submit to the Agency certification both by the owner or operator and by an independent registered professional engineer that the facility has been closed in accordance with the specifications in the approved closure plan. This certification must be received at this Agency within sixty (60) days after closure, or by March 1, 1995. These dates may be revised if Acme-Wiley Corporation finds that additional time is necessary to complete all required closure activities and Acme-Wiley Corporation demonstrates to the Agency that it is attempting to complete closure in a timely manner.

The attached closure certification form must be used. Signatures must meet the requirements of 35 Ill. Adm. Code Section 702.126. The independent engineer should be present at all critical, major points (activities) during the closure. These might include soil sampling, soil removal, backfilling, final cover placement, etc. The frequency of inspections by the independent engineer must be sufficient to determine the adequacy of each critical activity. Financial assurance must be maintained for the units approved for closure herein until the Agency approves the facility's closure certification.

The Illinois Professional Engineering Act (Ill. Rev. Stat., Ch. 111, par. 5101 et. seq.) requires that any person who practices professional engineering in the State of Illinois or implies that he (she) is a professional engineer must be registered under the Illinois Professional Engineering Act (par. 5101, Sec. 1). Therefore, any certification or engineering services which are performed for a closure plan in the State of Illinois must be done by an Illinois P.E.

Plans and specifications, designs, drawings, reports, and other documents rendered as professional engineering services, and revisions of the above must be sealed and signed by a professional engineer in accordance with par. 5119, sec. 13.1 of the Illinois Professional Engineering Act.

As part of the closure certification, to document the closure activities at your facility, a Closure Documentation Report must be submitted which includes the following:

- a. The volume of waste, waste residue and contaminated soil (if any) removed. The term waste includes wastes resulting from decontamination activities;
- b. Scaled drawings showing the horizontal and vertical boundaries of the extent of any soil removal effort;
- c. A description of the method of waste handling and transport;
- d. The waste manifest numbers;
- e. Copies of the waste manifests;
- f. Information documenting the results of all sampling/analysis efforts. The goal of presenting this information should be to describe, in a logical manner, the activities and results associated with the sampling/analysis effort. At a minimum, this information must include:
 1. identification of the reason for the sampling/analysis effort and the goals of the effort;
 2. a summary in tabular form of all analytical data, including all quality assurance/quality control data;
 3. a scaled drawing showing the horizontal location from which all soil samples were collected;
 4. identification of the depth and vertical interval from which each sample was collected;

5. a description of the soil sampling procedures, sample preservation procedures and chain of custody procedures;
 6. identification of the test method used and detection limits achieved, including sample preparation, sample dilution (if necessary) and analytical inferences;
 7. copies of the final laboratory report sheets, including final sheets reporting all quality assurance/quality control dates;
 8. visual classification of each soil sample in accordance with ASTM D-2488;
 9. a summary of all procedures used for quality assurance/quality control, including the results of these procedures; and
 10. a discussion of the data, as it relates to the overall goal of the sampling/analysis effort.
- g. Color photo documentation of closure. Document conditions before, during and after closure; and
 - h. A chronological summary of closure activities and the cost involved.
2. The following procedure must be utilized in the collection of all required soil samples:
 - a. The procedures used to collect the soil samples must be sufficient so that all soil encountered is classified in accordance with ASTM Method D-2488;
 - b. If a drill rig or similar piece of equipment is necessary to collect required soil samples, then:
 1. the procedures specified in ASTM Method D-1586 (Split Spoon Sampling) or D-1587 (Shelby Tube Sampling) must be used in collecting the samples; and
 2. Soil samples must be collected continuously at several locations to provide information regarding the shallow geology of the area where the investigation is being conducted.
 - c. Soil samples not collected explicitly for VOC analysis should be field-screened for the presence of VOCs;
 - d. All soil samples which will be analyzed for volatile organic compounds must be collected in accordance with Attachment 7 of the Agency's RCRA closure plan instructions;

- e. All other soil samples must be collected in accordance with the procedures set forth in SW-846; and
 - f. When visually discolored or contaminated material exists within an area to be sampled, horizontal placement of sampling locations shall be adjusted to include such visually discolored and/or contaminated areas. Sample size per interval shall be minimized to prevent dilution of any contamination.
3. Quality assurance/quality control procedures which meet the requirements of SW-846 must be implemented during all required sampling/analysis efforts.
 4. All soil samples shall be analyzed individually (i.e., no compositing). Analytical procedures shall be conducted in accordance with Test Methods for Evaluating Solid Wastes, Third Edition (SW-846). When a SW-846 (Third Edition) analytical method is specified, all the chemicals listed in the Quantitation Limits Table for that method shall be reported unless specifically exempted in writing by the Agency. Apparent visually contaminated material within a sampling interval shall be included in the sample portion of the interval to be analyzed. Each soil sample must be analyzed for:
 - a. Volatile organic compounds using Method 8240 of SW-846, Final Update 1. All Constituents listed in Table 2 of this method must be analyzed for and the EQLs in this table must be achieved; and
 - b. Cadmium, Chromium and Lead, using the Toxicity Characteristic Leaching Procedures in Method 1311 of SW-846.
 5. The soil which remains in and around the container storage area must meet the following soil cleanup objectives (unless otherwise noted), (the unit of concentration associated with the values in the table is mg/kg unless otherwise noted):

<u>Parameter</u>	<u>Cleanup Objective (mg/kg)</u>
Acetone	0.7
Benzene	0.005
Ethylbenzene	0.7
Methyl Ethyl Ketone	0.1
Mineral Spirits	50
Toluene	1.0

Xylenes (total)	10.0
Cadmium (TCLP)	0.005 mg/l
Chromium (TCLP) (Total)	0.1 mg/l
Lead (TCLP)	0.0075 mg/l

6. Contaminated soil may be excavated and disposed off-site at any time during closure. The goal of any such effort should be to remove all soil which exceeds the established cleanup objectives.
7. If removal and off-site disposal is the remedial action chosen for any soil contamination found, then all contaminated soil which is excavated for off-site disposal must be managed as hazardous waste (EPA Hazardous Waste No. F005) in accordance with 35 IAC 722, 723, 728 and 809, as well as all applicable federal requirements. This requirement is due to the fact that F005 wastes were managed in the area undergoing closure.
8. If removal and off-site disposal is the remedial action chosen for any soil contamination found, then soil samples must be collected for analysis from the bottom and sidewalls of the final excavation from which contaminated soil was removed. This sampling analysis effort is necessary to demonstrate that the remaining soil meets the established cleanup objectives and should be carried out in accordance with the following procedure:
 - a. Collection/analysis of all required samples must be in accordance with the procedures approved in this letter (especially Condition 2, 3 and 4 above);
 - b. Soil samples which must be analyzed for volatile organic compounds shall be collected using Attachment 7 of the Agency's RCRA closure plan instructions. In addition, such samples must be collected 6"-12" beneath the floor of the excavation/the ground surface to minimize the possibility of volatilization of the contaminants prior to the collection of the samples;
 - c. Four (4) evenly spaced samples will be taken beneath the floor of the excavation. Three (3) samples will be taken 6"-12" below the ground surface 1' from the south and west sides of the excavation. These samples will be biased toward low lying areas or, if that is not possible, evenly spaced;
 - d. Background sampling is not necessary; and
 - e. No random sampling shall be conducted to verify that the cleanup objectives have been met.

9. If removal and off-site disposal is the remedial action chosen for any soil contamination found, then additional soil must be removed, as necessary, until it can be demonstrated that the remaining soil in and around the area of concern meets the established cleanup objectives. Additional samples must be collected and analyzed in accordance with the above Conditions from areas where additional soil has been removed.
10. The approval of this final closure plan does not relieve Acme-Wiley of the responsibility of providing financial assurance for the remainder of the facility which is subject to closure, in accordance with 35 IAC Part 725 Subpart H.
11. If the Agency determines that implementation of this closure plan fails to satisfy the requirements of 35 Ill. Adm. Code, Section 725.211, the Agency reserves the right to amend the closure plan. Revisions of closure plans are subject to the appeal provisions of Section 40 of the Illinois Environmental Protection Act.
12. The approval of this closure plan does not resolve this facility's violations of 35 Ill. Adm. Code, Part 725, Subpart H (Financial Requirements). These violations will not be resolved (and the facility will remain out of compliance) until adequate financial assurance is established or the Agency approves the certification of closure.
13. Under the provisions of 29 CFR 1910 (51 FR 15,654, December 19, 1986), cleanup operations must meet the applicable requirements of OSHA's Hazardous Waste Operations and Emergency Response standard. These requirements include hazard communication, medical surveillance, health and safety programs, air monitoring, decontamination and training. General site workers engaged in activities that expose or potentially expose them to hazardous substances must receive a minimum of 40 hours of safety and health training off site plus a minimum of three days of actual field experience under the direct supervision of a trained experienced supervisor. Managers and supervisors at the cleanup site must have at least an additional eight hours of specialized training on managing hazardous waste operations.
14. To avoid creating another regulated storage unit during closure, it is recommended that you obtain any necessary permits for waste disposal prior to initiating excavation activities. If it is necessary to store excavated hazardous waste on-site prior to off-site disposal, do so only in containers or tanks for less than ninety (90) days. Do not create regulated waste pile units by storing the excavated hazardous waste in piles. The ninety (90) day accumulation time exemption (35 IAC 722.134) only applies to containers and tanks.
15. All hazardous wastes that result from this project are subject to annual reporting as required in 35 IAC 722.141 and shall be reported to the Agency by March 1 of the following year for wastes treated and left

on-site or shipped off-site for storage, treatment and/or disposal during any calendar year. Additional information and appropriate report forms may be obtained from the Agency by contacting:

Facility Reporting Unit
Bureau of Land
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276

16. The attached form entitled RCRA Interim Status Closure and Post-Closure Care Plan General Form (LPC-PA18) must be completed and accompany all information submitted to the Agency associated with the closure activities described in this letter. As noted on this form, two copies must accompany the original of all submittals, so that the information submitted can be distributed, as necessary, to Agency personnel, Agency regional offices and/or USEPA.

Should you have any questions regarding this matter, please contact Tom Fiersten at 217/524-3311.

Sincerely,



Douglas W. Clay, P.E.
Hazardous Waste Branch Manager
Permit Section, Bureau of Land

DWC:TFF:sad/0324W,1-7sp
JCM

Attachments: Closure Certification Statement
RCRA Interim Status Closure and Post-Closure Care
Plan General Form (LPC-PA18)

bcc: Bureau File
Maywood Region
Maywood Region, Paul Jagiello
Jim Moore
Tom Fiersten

C-730

CC: H. Wood

DKM

TF



State of Illinois

ENVIRONMENTAL PROTECTION AGENCY

Mary A. Gade, Director

2200 Churchill Road, Springfield, IL 62794-9276

217/524-3300

CERTIFIED MAIL #: P 435 218 529
RETURN RECEIPT REQUESTED

April 4, 1994

Acme Wiley Corp.
2480 Greenleaf
Elk Grove Village, IL 60007

Re: IEPA #: 0314405015 -- Cook County
Facility Name: Acme Wiley Corp.
USEPA ID#: ILD984791798
Log #: C-730
RCRA Closure File

Dear Environmental Coordinator:

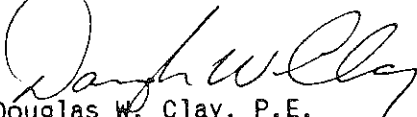
As you are aware, we are currently evaluating the request for closure of certain hazardous waste management units at the above-referenced facility which is regulated under the Resource Conservation and Recovery Act (RCRA).

Under Section 206 and Section 233 (copies enclosed) of the Hazardous and Solid Waste Amendments of 1984, all facilities "seeking a permit" (taken to mean interim status facilities) must provide for corrective action for all releases of hazardous waste or constituents from any solid waste management unit, regardless of the time at which waste was placed in the unit. Please note that both hazardous and non-hazardous wastes can meet the definition of solid waste under 40 CFR 261.2.

Consequently, we must determine whether such releases have ever occurred at the facility site. If they have, we must ensure that any necessary corrective actions either have been taken, or will be taken, pursuant to a decision on your closure plan. An important part of our determination includes your willingness (or unwillingness) to complete the enclosed certification form. Please read it carefully, complete it, and either sign and return it, or return it to us unsigned with a cover letter of explanation, within 30 days of the date of this letter.

Please call the Permit Section at 217/524-3300 if you have any questions, or wish to discuss this matter further.

Sincerely,


Douglas W. Clay, P.E.
Hazardous Waste Branch Manager
Permit Section, Bureau of Land

RECEIVED

APR 21 1994

PERMIT SECTION

Enclosures: Sections 206 and 233 of HSWA
IL 532-1428 Solid Waste Management Unit Certification Form
LPC 217 Rev. Feb-94
cc: George Hamper, USEPA - Region V

Printed on Recycled Paper

ATTACHMENT 1

CONTINUING RELEASES AT PERMITTED FACILITIES

Sec. 206. Section 3004 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (t) thereof:
"(u) CONTINUING RELEASES AT PERMITTED FACILITIES-Standards promulgated under this section shall require, and a permit issued after the date of enactment of the Hazardous and Solid Waste Amendments of 1984 by the Administrator or a State shall require, corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a treatment, storage, or disposal facility seeking a permit under this subtitle, regardless of the time at which waste was placed in such unit. Permits issued under section 3005 shall contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit and assurance of financial responsibility for completing such corrective action".

ATTACHMENT 2

INTERIM STATUS CORRECTIVE ACTION ORDERS

Sec. 223. (a) Section 3008 of the Solid Waste Disposal Act is amended by adding the following new subsection after subsection (g) thereof:

"(h) INTERIM STATUS CORRECTIVE ACTION ORDERS. - (1) Whenever on the basis of any information the Administrator determines that there is or has been a release of hazardous waste into the environment from a facility authorized to operate under section 3005(e) of this subtitle, the Administrator may issue an order requiring corrective action or such other response measure as he deems necessary to protect human health or the environment or the Administrator may commence a civil action in the United States district court in the district in which the facility is located for appropriate relief, including a temporary or permanent injunction.

"(2) Any order issued under this subsection may include a suspension or revocation of authorization to operate under Section 3005(e) of this subtitle, shall state with reasonable specificity the nature of the required corrective action or other response measure, and shall specify a time for compliance. If any person named in an order fails to comply with the order, the Administrator may assess, and such person shall be liable to the United States for, a civil penalty in an amount not to exceed \$25,000 for each day of noncompliance with the order."

(b) Subsection (b) of section 3008 of the Solid Waste Disposal Act is amended by inserting "issued under this section" immediately after "Any Order".

ATTACHMENT 3

CERTIFICATION REGARDING POTENTIAL RELEASES FROM
SOLID WASTE MANAGEMENT UNITS
(CLOSURE PLAN REVIEW)

FACILITY NAME: ACME - WILEY CORPORATION
EPA I.D. NUMBER: ILD984791798
LOCATION/CITY: 2480 Greenleaf Avenue, Elk Grove Village
STATE: Illinois

1. Are there any of the following solid waste management units (existing or closed) at your facility? NOTE - DO NOT INCLUDE HAZARDOUS WASTES UNITS CURRENTLY SHOWN IN YOUR PART A APPLICATION AND IN YOUR CLOSURE PLAN.

	YES	NO
. Landfill		X
. Surface Impoundment		X
. Land Farm		X
. Waste Pile		X
. Incinerator		X
. Storage Tank (Above Ground)		X
. Storage Tank (Underground)		X
. Container Storage Area		X
. Injection Wells		X
. Wastewater Treatment Units		X
. Transfer Stations		X
. Waste Recycling Operations		X
. Waste Treatment, Detoxification		X
. Other		X

2. If there are "Yes" answers to any of the items in Number 1 above, please provide a description of the wastes that were stored, treated or disposed of in each unit. In particular, please focus on whether or not the wastes would be considered as hazardous wastes or hazardous constituents under RCRA. Also include any available data on quantities or volume of wastes disposed of and the dates of disposal. Please also provide a description of each unit and include capacity, dimensions, location at facility, provide a site plan if available.

NOT APPLICABLE

NOTE: Hazardous waste are those identified in 40 CFR 261. Hazardous constituents are those listed in Appendix VIII of 40 CFR Part 261.

3. For the units noted in Number 1 above and also those hazardous waste units in your Part A application and in your closure plan, please describe for each unit any data available on any prior or current releases of hazardous wastes or constituents to the environment that may have occurred in the past or still be occurring.

Please provide the following information

- a. Date of release
- b. Type of waste released
- c. Quantity or volume of waste released
- d. Describe nature of release (i.e., spill, overflow, ruptured pipe or tank, etc.)

As stated in the Closure Plan previously submitted to your agency, the Hazardous Waste Management Unit was an area approximately 10 X 15 feet, in use for approx. 1 year. The maximum inventory of wastes stored was approx. 15 to 20 - 55 gallon containers which in most cases were partially filled. There was no obvious release detected or known to occur in this area however based on data obtained from a recent subsurface investigation, insignificant traces of solvents were detected

4. In regard to the prior releases described in Number 3 above, please provide (for each unit) any analytical data that may be available which would describe the nature and extent of environmental contamination that exists as a result of such releases. Please focus on concentrations of hazardous wastes or constituents present in contaminated soil or groundwater.

See attached copy of test results based on Subsurface Soil Investigation performed by Environmental Group Services on October 7, 1993.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the submittal is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (42 U.S.C. 6902 et seq. and 40 CFR 270.11(d))

Roger L. O'Neill - Owner

Typed Name and Title

Roger L. O'Neill
Signature

4. 12-94
Date

Notice of Closure

Facility No.: 0314405015
Public Notice: 93040

Date: April 5, 1994

NOTICE OF CLOSURE
CLOSURE NO. C-730

A plan to close the one hazardous waste container storage area located at Acme Wiley Corp., has been submitted to the Illinois Environmental Protection Agency (IEPA) pursuant to Subpart G of 35 Ill. Adm. Code 725. The hazardous waste area is located at 2480 Greenleaf Avenue, Elk Grove Village, Illinois. Acme Wiley Corp. is a sign manufacturer. The facility will remain in operation during and following closure of the hazardous waste management unit described in this notice.

At this time the IEPA is also requesting that the facility provide information concerning any prior release of hazardous waste constituents from any solid waste management facility on the site.

Interested persons are invited to submit written comments on the plan or request modifications of the plan or provide information on the release, at any time, of hazardous waste constituents from the facility, within 30 days of the first publication date of this notice. Written comments must be addressed to the IEPA, Bureau of Land, Permit Section #33, Attn: Karen Nachtwey, 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, telephone number 217/524-3300.

The site must be closed in accordance with the standards set forth in the Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, Pars. 1001 et seq., and regulations adopted thereunder.

The proposed closure plan, closure performance requirements, and other documents are available for inspection and may be copied at the IEPA's Springfield headquarters.

OVER

Page 2

An appointment to inspect or copy the proposed closure plan must be made in advance by contacting the Bureau of Land, Freedom of Information Act (FOIA) coordinator at 2200 Churchill Road, P.O. Box 19276, Springfield, Illinois 62794-9276, 217/782-6760. Please refer to the closure number under the heading at the top of this advertisement when contacting the FOIA coordinator.

In response to requests or at the discretion of the IEPA, a public hearing may be held to clarify one or more issues concerning the closure plan. Public notice will be issued 30 days before any public hearing.

KN:JM:188W/71-72

Review Notes

I. INTRODUCTION TO PROJECT

Log No. C-730

1. Facility Name ACME Wilco Corp.
2. Facility Location 2487 Greenleaf Ave.
Elk Grove Village, IL 60027
3. Facility Contact/Tel. No. Don Davis - Safety Coordinator / (708) 364-2250
4. IEPA ID No. 0314405015 5. USEPA ID No. ILD 984791798
6. Number of Submittal(s) Associated with Project 1
7. Information Regarding Each Submittal (Complete for each submittal received as part of this log number; attach extra sheets, as necessary)

a. Brief Description of Submittal "Testing Report for
Surface Investigation" prepared by EGSL - Environmental Group
Services Ltd. The report gave the results of 6 samples
taken from the former drum storage area that were found
for toluene & xylene.

b. Date of Submittal/Date Received: November 10, 1993/

c. Submitted by: Kathleen A. Roeben Environmental Coordinator

d. No. of pages submitted/title of reports submitted

17 page report + cover letter

e. Reason submittal was made As a follow up of letter
from Kathleen A. Roeben, Environmental Coordinator, Acme-
Wilco Corp. to Clifford Gould IEPA-Regional office
dated July 28, 1993. This letter was not in
the file.

8. General Discussion of How Project Was Reviewed

CLOSURE PLAN REVIEW NOTES AND CHECKLIST
SECTION A: REVIEW NOTES
(attach notes or references as necessary)

Facility Name: ACME Wiley Corp. Log No.: C-730

Location (County, Municipality, Township,
Range, Section): Cook Co., Elk Grove Village, T. 41 N., R. 11 E., Sec. 35

State ID: 0314405015 U.S. EPA ID: ILD984791798

1st Submittal: _____ Reviewer: Tom Fierman Mailed: _____

2nd Submittal: _____ Reviewer: _____ Mailed: _____

Regulated Units at the Facility and Their Capacities

Unit	Approved Part A	HWDS	Closure Plan	Units Closing	Units Remaining Open
<u>Atom storage area</u>			<u>yes</u>	<u>1</u>	<u>0</u>

_____ Partial Closure or ✓ Final (full) Closure

✓ Proposed "Clean" Closure or _____ "Dirty" Closure

Status of Facility after Closure: _____

Are any new treatment processes proposed to minimize or render nonhazardous,
hazardous waste? no Explain: _____

CROPA memo dated _____

Identify soil and/or groundwater clean-up levels. (Give basis, i.e., closure plan, COT/CROPA recommendation, PQL, etc.)

Is the portion of the sample to be tested appropriate? _____

Approximate volume of waste to be removed: 16 yd³
(yds. or gallons)

Approximate volume of underlying and surrounding soil and liner to be removed:

How is site to be capped or otherwise restored? Site will be backfilled
with clean fill material once contaminated soil has all
been excavated.

Are there any non-RCRA Solid Waste Management Units? no Explain: _____

Have there been any releases from the SWMUs?

Explain: Yes. As shown in photos from FOS inspections on July 3, 1990 &
September 26, 1990 evidence of spills was on & around the waste paint & solvent storage area

How is the groundwater to be addressed for the closing unit? Has not been
addressed.

Is groundwater monitored? no

Is groundwater contaminated? ?

What is the facility's Subpart F compliance status? _____

SECTION B: CLOSURE PLAN CHECKLIST

LEGEND

PR: Provided

AD: Adequate

NA: Not Applicable

Note: Respond to questions with
Y for yes and N for no

1. Description of hazardous waste operation and proposed closure (725.212(a) and (b))

PR	AD	NA	
<u>Y</u>	<u>Y</u>	<u>2</u>	a. description provided of hazardous waste operations
<u>Y</u>	<u>Y</u>	<u>2-3</u>	b. description provided for all hazardous waste units at the facility
<u>Y</u>	<u>Y</u>	<u>2</u>	c. identification of units closing
<u>NA</u>	<u>NA</u>	<u>NA</u>	d. identification of units remaining open
<u>Y</u>	<u>Y</u>	<u>2</u>	e. maximum inventory of wastes at any time during life of facility (should correspond to Part A volumes)
<u>Y</u>	<u>Y</u>	<u>3-4</u>	f. description of steps to be taken for decontamination of facility equipment (725.212(b)(4))
<u>Y</u>	<u>Y</u>	<u>4</u>	g. expected year of closure for all units at the facility (725.212(b)(1))
<u>Y</u>	<u>Y</u>	<u>4</u>	h. schedule of closure for all units (725.212(b)(6) and (b)(7))
<u>Y</u>	<u>Y</u>	<u>4</u>	i. plan submitted 180 days prior to initiation of closure (725.212(d)(1))
<u>N</u>	<u>-</u>	<u>-</u>	j. all hazardous wastes and hazardous constituents properly identified
<u>N</u>	<u>-</u>	<u>-</u>	k. groundwater/surface water use in the area identified

2. Public Involvement (725.212(d)(4))

<u>-</u>	<u>-</u>	<u>-</u>	a. newspaper notice posted
<u>-</u>	<u>-</u>	<u>-</u>	b. public hearing requested?
<u>-</u>	<u>-</u>	<u>-</u>	c. public hearing granted?
<u>-</u>	<u>-</u>	<u>-</u>	d. notice of public hearing 30 days prior to hearing

3. Closure time limits (725.213)

<u>-</u>	<u>-</u>	<u>-</u>	a. 90-day limit for treatment, removal or disposal of hazardous wastes
<u>-</u>	<u>-</u>	<u>-</u>	b. 180-day limit for completion of closure activities
<u>-</u>	<u>-</u>	<u>-</u>	c. extension of time limits
<u>-</u>	<u>-</u>	<u>-</u>	d. justification provided for extension of time limits?

PR AD NA

- | | | | | |
|----------|----------|------------------|----|---|
| <u>Y</u> | <u>N</u> | <u>Exhibit A</u> | i. | scale drawing of storage area |
| <u>Y</u> | <u>Y</u> | <u>N</u> | j. | surface description (asphalt, concrete, aggregate, soil) |
| <u>Y</u> | <u>Y</u> | <u>N</u> | k. | structural integrity and containment devices (cracks, joints, deterioration, curbs, roof) |

8. Closure of tank storage or treatment units (S02, T01 -- 725.297)

- | | | | | |
|---|---|---|----|---|
| — | — | — | a. | scale drawing of storage area, including secondary containment structures, sumps and drainage pathways |
| — | — | — | b. | description of materials used to construct tanks, ancillary equipment and secondary containment structures |
| — | — | — | c. | present condition of tanks, ancillary equipment and secondary containment structures (i.e., structural integrity and surface condition) |
| | | | d. | removal of all hazardous wastes and residues from: |
| — | — | — | | tanks |
| — | — | — | | pipes and discharge control equipment |
| — | — | — | | discharge confinement structures |
| — | — | — | e. | decontamination of equipment |
| — | — | — | f. | soil testing beneath and around tank, including secondary containment areas, to verify that no spills or leaks have occurred |
| — | — | — | | includes all hazardous constituents |
| — | — | — | | detection limits |
| — | — | — | | sampling increments and total depth of sampling |
| — | — | — | | sample handling and analysis (40 CFR 261, App. III; SW-846; Attachment 7 of this document) |
| — | — | — | g. | cleanup standard |
| — | — | — | h. | removal of contaminated soil |
| — | — | — | i. | removal of tank (required by State Fire Marshall for underground tanks which contained flammable materials) |

9. Closure and post-closure for surface impoundments (S04, D83, T02 - 725.328)

- | | | | | |
|---|---|---|----|---|
| — | — | — | a. | removal of standing liquids |
| — | — | — | b. | removal of wastes and waste residues |
| — | — | — | c. | removal of liner |
| — | — | — | d. | removal of underlying and surrounding contaminated soil |
| — | — | — | e. | cleanup standard |
| — | — | — | f. | management of removed material as hazardous waste unless determined to be nonhazardous under 721.103(c) |
| — | — | — | g. | post-closure care in lieu of material removal (725.328(c)) (40 CFR 265.228(a)(2), March 19, 1987) |
| — | — | — | h. | dewatering, stabilization or other treatment of remaining wastes to provide cover support and/or render waste nonhazardous (40 CFR 265.228(a)(2), March 19, 1987) |
| — | — | — | i. | request for modification of Part A to include T02 if stabilization or treatment is proposed |

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

IL 532-0357
ADM 39
054-002

Subject ACME Wiley Corp Elk Grove Village, IL

Data _____

Reviewed by Tom Fiersten

Date May 13, 1994

Facility: Acme Wiley Corp.

IEPA ID #: 0314405015

Address: 2480 Greenleaf Ave.

VSEPA #: 1LD984791798

Elk Grove Village, IL 60007

Phone: (708) 364-2250

Contact: Kathleen A. Roeben "Kathy" - Environmental Coordinator

Wastes produced at the ACME Wiley Corp. are primarily paint and solvent wastes and paint filters. These wastes are produced as by products of spray painting operations.

Paint & solvent wastes (FO05) - are generated when spray painting guns are cleaned. Less than 55 gallons of this waste are accumulated at two satellite accumulation areas inside the building. FO05 is stored at a storage area west of the building on the northwest side of the property. Note: This waste type and the storage area are of primary concern.

Paint filters - are generated when air is filtered in the paint booths as part of the ventilation system. As of the July 3, 1990 Compliance Evaluation Inspection there weren't any waste paint filters on site. Dirty paint filters have been thrown away with the general refuse.

Non-halogenated VOCs

Acetone
Benzene
Ethylbenzene
Methyl Ethyl Ketone
Methyl Isobutyl Ketone
Mineral Spirits
Toluene
Xylene

} spent solvents

Metals

Cadmium
Chromium
Lead

} from paint pigments

Used a split spoon sampler in initial sampling

Solvent systems - waste hauler 2-3 barrels
filter note \$400/barrel \$130/barrel solvent mixtures

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

IL 532-0357
ADM 39
054-002

Subject ACme - Wiley Corp.

Data _____

Reviewed by Tom Horsten

Date 5-16-94

Proposed Closure Plan:

1. Excavation and Soil Sampling:

Excavated soil will be considered hazardous due to the mixture rule. Must be disposed of in a hazardous waste land fill or incinerated. Hazardous constituents will need to be determined.

→ How will excavated soil be stored (in containers or a waste pile)

2. Review Soil Samples to determine if any further contamination exists.

If CUOs are met excavation and sampling are done

If CUOs are not met additional excavation and sampling ... Until CUOs are met.

3. Back fill with clean soil

4. Prepare Final Report & Certification → Clean Close.

Problems: 1. Extent of contamination not known prior to excavation A) May not need to excavate the entire area — the soil under the asphalt may not be contaminated or only partly contaminated.

B) Contamination may extend beyond initial and subsequent excavations. Probably will be less expensive to sample so that depths where clean up objectives are met are known and excavate only the soil not meeting CUOs.

C) If a large area is contaminated may need to look at other options than excavation.

2. May only need to excavate areas where soil is discolored and steam clean & triple rinse the asphalt area. This will reduce excavation and disposal costs. Will need to dispose of the cleaning & rinse water however. May be able to

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

IL 532-0357
ADM 39
054-002

Subject Acme-W.H. Corp

Data _____

Reviewed by Tom Fiersten

Date 5-16-94

discharge into a sanitary sewer if they will take the waste water.

Suggested Sampling regime:

- 1) For all samples run tests at 0-6" depth and 18"-24" depth
- 2) Suggest 3 samples be taken inside the drum storage area
At sites B-1 the southwest corner, B-3 the northwest corner and B-6 the southeast corner.
- 3) Suggest 2 samples be taken outside the drum storage area biased toward stained or discolored soil areas.
- 4) Suggest 1 background sample.
- 5) Samples will be tested for non-halogenated VOCs & metals listed below:

Non-halogenated VOCs

Acetone
Benzene
Ethylbenzene
Methyl Ethyl Ketone
Methyl Isobutyl Ketone
Mineral Spirits
Toluene
Xylene

Test procedure

8240A (SW-846)

"

"

"

"

"

"

"

Metals:

Cadmium - EPA
Chromium - EPA
Lead - EPA

Test Procedure

- 6) Recommend sampling before excavation or other action.
- 7) Notify IEPA if any other constituents are found

Review of Testing Report For Surface Investigation

Purpose was to determine potential presence of contamination in paint and solvent waste storage area that is presently "overlain with asphalt and used as part of the parking lot."

Seven soil borings were performed, 6 in the storage area, 1 to determine background conditions 150' from the storage area. The borings were 3' deep with samples taken at 1.5' intervals.

Samples were tested for Xylene & Toluene.

Appears as if the drum storage area could have been partially $\approx 75\%$ paved over.

From the FOS investigations (photos) there had been spills along the western edge of the drum storage area. Discolored areas were present. Samples B-1, B-3, B-5, & B-6 had the highest detected levels of Toluene & Xylene.

Are any drums stored there now?

Will storage area be used again as temporary storage (less than 90 days) after closure?

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

IL 532-0357
ADM 39
054-002

Subject Acme-Water, Inc.

Data _____

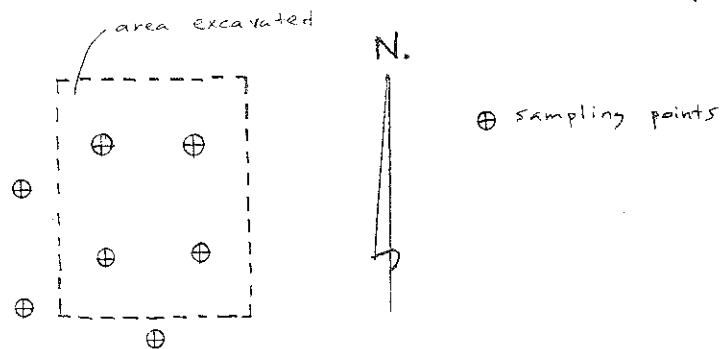
Reviewed by Tom Florrten Date 5-17-94

Sampling: Will be done after excavation

7 samples total no background sample

4 samples from bottom of excavation, evenly spaced

3 samples from soil area on south
and west side of storage area, Take samples
1' from excavation walls 0"-6" below
ground surface. Bias samples to low-lying
areas or evenly spaced if nothing else.



Asphalt storage area to be removed. Stained / discolored
soil to be removed

May suggest cleaning asphalt so that it will not need to be
disposed of as a hazardous waste. Steam clean, triple rinse, etc.

STATE OF ILLINOIS
ENVIRONMENTAL PROTECTION AGENCY

IL 532-0357
ADM 39
054-002

Subject Acme - Wiley Corp.

Data _____

Reviewed by Tom Fershen

Date 5-17-94

Questions:

- 1) Is the container storage area still in use? Are there any drums there now? If so, they will have to be properly disposed of in a hazardous waste landfill or incinerated after the waste in the drums has been identified. Ask about the wood pallets drums were stored on.
— NO
- 2) Will the container storage area be used again as temporary storage (less than 90 days) after closure?
— no → use as parking
- 3) Is this the only solid waste management unit on site? — Yes, waste shipped off site before 90 days
- 4) In the Introduction of the "Testing Report for Surface Investigation" it states that "At present this area is overlain with asphalt and is presently used as part of the parking lot. Is this the original asphalt surface or has the storage area been paved over ≈ 1993? — Asphalt surface has not been repaved over.
- 5) Does the 10 ft. x 15 ft. area undergoing closure include the soil area with evidence of spills on the west side of the paved area? — $\frac{2}{3}$ asphalt $\frac{1}{3}$ soil
Stained area included
- 6) In the closure plan you propose to excavate the contaminated soil. How do you plan on storing this soil until the type of hazardous waste has been determined? Will it be stored in drums or as a waste pile? — mixture rule.

Need to talk to Jim and/or them about this.

No Scale

Background Sample (B-7)
150' from
Drum Area

Dumpster Area

Adjacent Property – Building

Former Drum
Storage Area

Asphalt Parking Lot

Building

Greenleaf Avenue



REVISIONS			By:	Aprvd	ENVIRONMENTAL GROUP SERVICES LTD.	Acme-Wiley Corporation	Acme-Wiley Corporation	Proj. No. 93-319
NO	Date	Remarks			445 West Erie Suite 207	2480 Greenleaf Avenue	2480 Greenleaf Avenue	Date: 10-21-93
					CHICAGO, ILLINOIS 60610	Elk Grove Village, Illinois	Elk Grove Village, Illinois	Sheet No. 1

Asphalt
Park
Lot 8

contaminated area

Dunn Storage Area

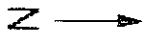


Adjacent Property - Building

Acme Wiley Corporation

ACME Wiley Corp.

Building



07/09/90

Greentree Ave

Subject Submittal

MEMORANDUM

TO: JERRY GARY, JOHN CALLAN, MIKE DeSANTIS

FROM: KATHY ROEBEN

DATE: MARCH 17, 1994

RE: CLOSURE PLAN REQUIRED BY EPA FOR FORMER DRUM
STORAGE AREA

I will, to the best of my ability, write a formal closure plan to be submitted to EPA to fulfill their requirement under Title 35 Section 725.212. The following list includes some of the more important issues that need to be discussed prior to my submitting this plan:

A) Test Waste Streams - need to perform a full TCLP, waste characterization analysis on two hazardous waste streams currently generated by our facility to determine hazardous characteristics in each waste. Must also update 8700-12 to Federal and State EPA as well as update all manifests:

- 1) discrepancies are found in reporting
- 2) eliminate unnecessary waste codes
- 3) need to retest every time you change materials (solvent, thinner). this information has not been updated since 1990/.

COST \$ 950.00 PER ANALYSIS, TO BE PERFORMED BY SOLVENT SYSTEMS, See Exhibit 1

B) Excavate, load, transport, backfill soil per ton by:

- 1) CAD (non-hazardous waste, industrial landfill) \$ 340.00/ton
- 2) Incineration (hazardous waste) \$ 800.00/ton

COST MAY RANGE FROM \$ 2645 TO \$ 9336, TO BE PERFORMED BY AMERICAN WASTE, See Exhibit 2

C) After contaminated soil is removed, testing must be performed to determine if all contamination has been eliminated, See Exhibit 3.

- 1) Full screen analytical will be performed at three locations on the site including background sampling

COST \$ 4725 FOR ALL TESTING, TO BE PERFORMED BY TURNKEY ENVIRONMENTAL, See Exhibit 4.

D) One test will be performed of waste in container to represent current state of waste to be disposed (waste characterization testing mandatory to apply for disposal permits.

COST WILL BE APPROXIMATELY \$ 1500, TO BE PERFORMED BY TURNKEY ENV. OR EGSL.

E) Apply for and obtain proper permits for disposal of soil material.

COST CANNOT BE DETERMINED AT THIS TIME, VARIES DEPENDING ON HAZARDOUS CONSTITUENTS.

F) Removal, disposal and backfill to be performed by American Waste.

G) Certification by a certified professional environmental engineer who will be present at all critical points of closure including initial meeting with American Waste, excavation, testing, etc.

COST \$ 1950 FOR ALL ENGINEERING SERVICES, TO BE PERFORMED BY TURNKEY ENVIRONMENTAL, See Exhibit 4.

c-130
cc: [illegible]
[illegible]

J

PRESENTED TO

ILLINOIS ENVIRONMENTAL PROTECTION AGENCY

CLOSURE PLAN
FOR HAZARDOUS WASTE
CONTAINER STORAGE AREA

SUBMITTED BY

ACME-WILEY CORPORATION

MARCH 25, 1994

BACKGROUND

The hazardous Waste Management Unit in this report refers to an area of land approximately 10 x 15 feet in size and is located at the north end of the parcel of land situated at 2480 Greenleaf Avenue in Elk Grove Village, Cook County, Illinois. The subject property includes a modern, single story, brick and vertical steel sided industrial/warehouse situated on a parcel of land containing approximately 154,681 square feet. The site is approximately 1/3 building, 1/3 asphalt paved parking area and 1/3 stone and grass. It is located in a very heavily industrialized area. The facility (building) is approximately 55,955 square feet. The type of industry currently operating at this location is Sign Manufacturing, SIC Code 3993. Products manufactured include metal signage, neon signage and ATM Environments. Major components used in the manufacture of this type of signage include steel, aluminum, vinyl and paint. Major chemicals used in the sign manufacturing process include xylene, toluene, methyl ethyl ketone, and other non-halogenated solvents. Please refer to the maps provided to clarify location of facility with respect to Township, Range and Section. Exhibit A.

As stated previously, there is one Hazardous Waste Management Unit at this location. The EPA process/source code is A21, Painting, and A09, Clean Out Process Equipment. The unit of measure code is gallons. The only standard waste type ever stored at this site is RQ, WASTE PAINT RELATED MATERIAL, 3, UN1263, PGII potentially containing F003 (spent non-halogenated solvents), F005 (spent non-halogenated solvents), D001 (Ignitable Waste), D006 (Cadmium), D007 (Chromium), D008 (Lead), D035 (Methyl Ethyl Ketone). Testing is being performed currently by Solvent Systems International, Inc. 339 West River Road, Elgin, IL 60123, to verify the authenticity of each of these elements in our current waste streams. The period of use of this parcel which is an area approximately 10 x 15 feet, is roughly 1 year, from approximately January 1990 to October 1990. The maximum inventory of wastes stored at this unit was approximately 15 TO 20 - 55 gallon

This document is being submitted to fulfill the closure requirements of Illinois Environmental Protection guidelines under the Resource Conservation and Recovery Act.

barrels. These barrels in most cases were partially filled.

One third of the surface of the Hazardous Waste Management Unit consists of bare soil. Two thirds of the unit is covered with asphalt that is approximately 2" thick. This was placed in the area prior to storage of waste. The asphalt surface is presently in good condition with no cracks visible. Spillage of waste material would be absorbed into the soil beneath the area in question therefore as part of our closure plan, we have performed testing in an area of 1 1/2 feet below the surface of the location. Please refer to the subsurface Investigation that has already been performed at this location. A copy of these results are attached as Exhibit B.

CLOSURE PLAN SUMMARY

The actual closure process will consist of the following steps:

A) Excavation of soil and asphalt in an area 10 x 15 x 1.5 feet by American Waste, Inc., P.O. Box 306, Maywood, IL.

B) Soil sampling will be performed by Turnkey Environmental Consultants, Inc. 500 W. Central Road, Mt. Prospect, IL to confirm that all contamination has been removed by excavation. Three samples will be taken, one at each end of the excavated area, and a third sample to be taken on the unpaved area just outside of the unit (west). A background sample will also be taken. Please refer to Exhibit C for the location of the samples. All samples will be collected and analyzed using equipment and methods in U.S. EPA's SW-846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods". Samples will be submitted to an approved laboratory for analysis. Sampling methods and equipment, including sample preservation and chain-of-custody methods will be provided. If contamination is still present, excavation will be warranted again taking place in increments of 12" in depth until all contamination has been removed.

C) Disposal of impacted soil and asphalt will be accomplished by American Waste, Inc. by properly testing, manifesting and disposing the waste based on hazardous waste characteristics.

D) The unit will then be backfilled with clean soil and paved for use as a parking lot.

f) After all the above items have been completed, and final closure has been accomplished, certification will be forwarded to the agency from Turnkey Environmental Consultants, Inc.

Please refer to the proposal dated March 17, 1994 by Turnkey E.C. which represents their proposed scope of services. Turnkey will be involved in all critical aspects of the Closure of this unit including meetings with Acme-Wiley and American Waste, Inc. (remediation firm), on-site oversight of the Closure Plan, soil samplings in remediation area, decontamination, backfilling, and certification of Final Closure. See Exhibit D.

SCHEDULE FOR CLOSURE

It has been established that removal and disposal will be accomplished within 90 days after approval of the Closure Plan by the IEPA.

1. Excavation of soil and soil sampling - initiated within 2 weeks after final approval from IEPA.
2. Review soil sample results - 2 weeks after excavation
3. Additional soil excavation and sampling if warranted - 2 weeks after original sample results are received
4. Soil sampling results received - 2 weeks after additional soil excavation and sampling performed if warranted
5. Clean soil backfilled into the unit - 2-4 weeks after acceptable analysis results are received.
6. Preparation of Final Report and Certification - 2 week after unit is backfilled

and Closure is complete.

PERSONNEL SAFETY AND FIRE PREVENTION

All personnel directly involved in the closure activity will be protected from exposure to hazardous waste activity by being properly protected with personal protective equipment and training which will be provided by American Waste, Inc. Personnel will wear Level D protection with the capability to upgrade to Level C. Turnkey personnel will monitor airborne levels of volatile organic materials with a photoionization detector (PID) during site remediation to ensure the adequacy of employee protection measures. Any visitors or other people who are not directly involved with the Closure Process will not be allowed in the remediation area at the time of excavation and testing until it is confirmed that the area is free from contamination or that Clean Closure has been accomplished. The local Police and Fire Department will also be advised prior to excavation.

DECONTAMINATION

The proper decontamination of hazardous wastes from equipment used and owned by American Waste, Inc., will be the responsibility of American Waste, Inc. AWI will ensure that any equipment will be scraped and washed to remove waste residues. The residues will be handled as hazardous waste.

CLEAN-UP CRITERIA

Acme-Wiley proposes removing soil contamination to detection/background limits. Based on the fact that the unit will in the future be used as a parking lot, it will pose no future threat to human health or the environment. The residual insignificant contamination, if any, will be very characteristic of the soil in this area and the level of contaminants left in the soil will not adversely impact any environmental media.

CLOSURE DOCUMENTATION REPORT

Following all Closure Activities, a Closure Documentation Report will be submitted with the Closure Certification to document the closure activities. This report will include:

1. The volume of waste and waste residue removed, including the waste resulting from decontamination activities
2. A description of the method of waste handling and transport
3. Waste manifest numbers or copies of manifests from removal of waste and waste residues
4. A description of the sampling and analytical methods used, including sample preservation and chain-of-custody methods
5. A chronological summary of closure showing the unit before, during and after closure
6. Color photo documentation of closure activities and the costs involved
7. Tests performed, methods and results

POST CLOSURE CARE

Post Closure Care will not be necessary at this unit.

SIGNATORY / CERTIFICATION REQUIREMENT

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

USEPA ID # ILD 9847911798

IEPA ID # 0314405015

Facility Name : ACME-WILEY CORPORATION

Date: 3/24/94

SIGNATURE OF CORPORATE OFFICER:



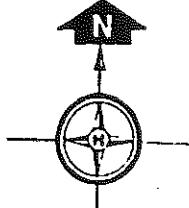
NAME AND TITLE:

Roger L. O'Neill
Owner

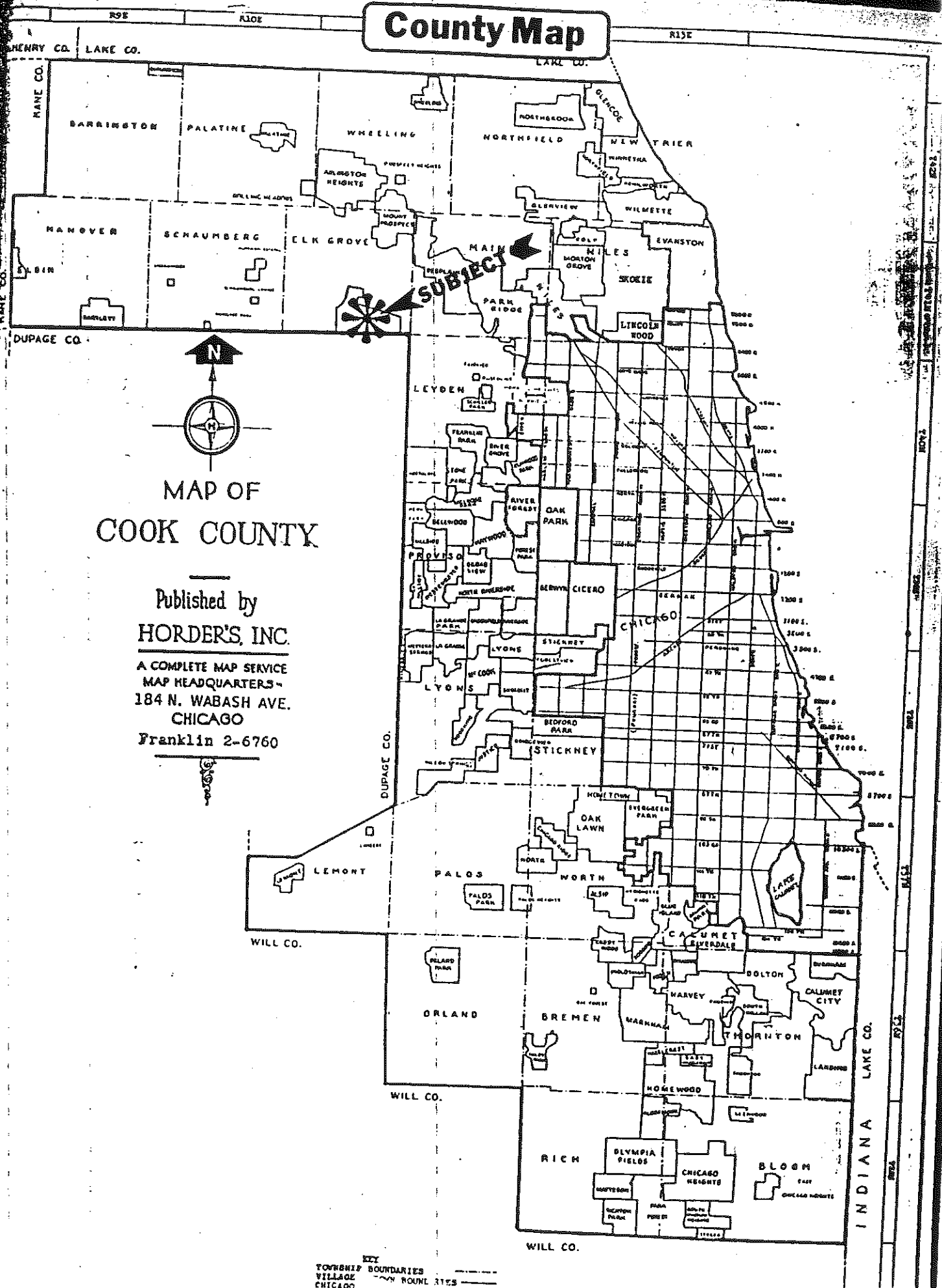
County Map

MAP OF COOK COUNTY

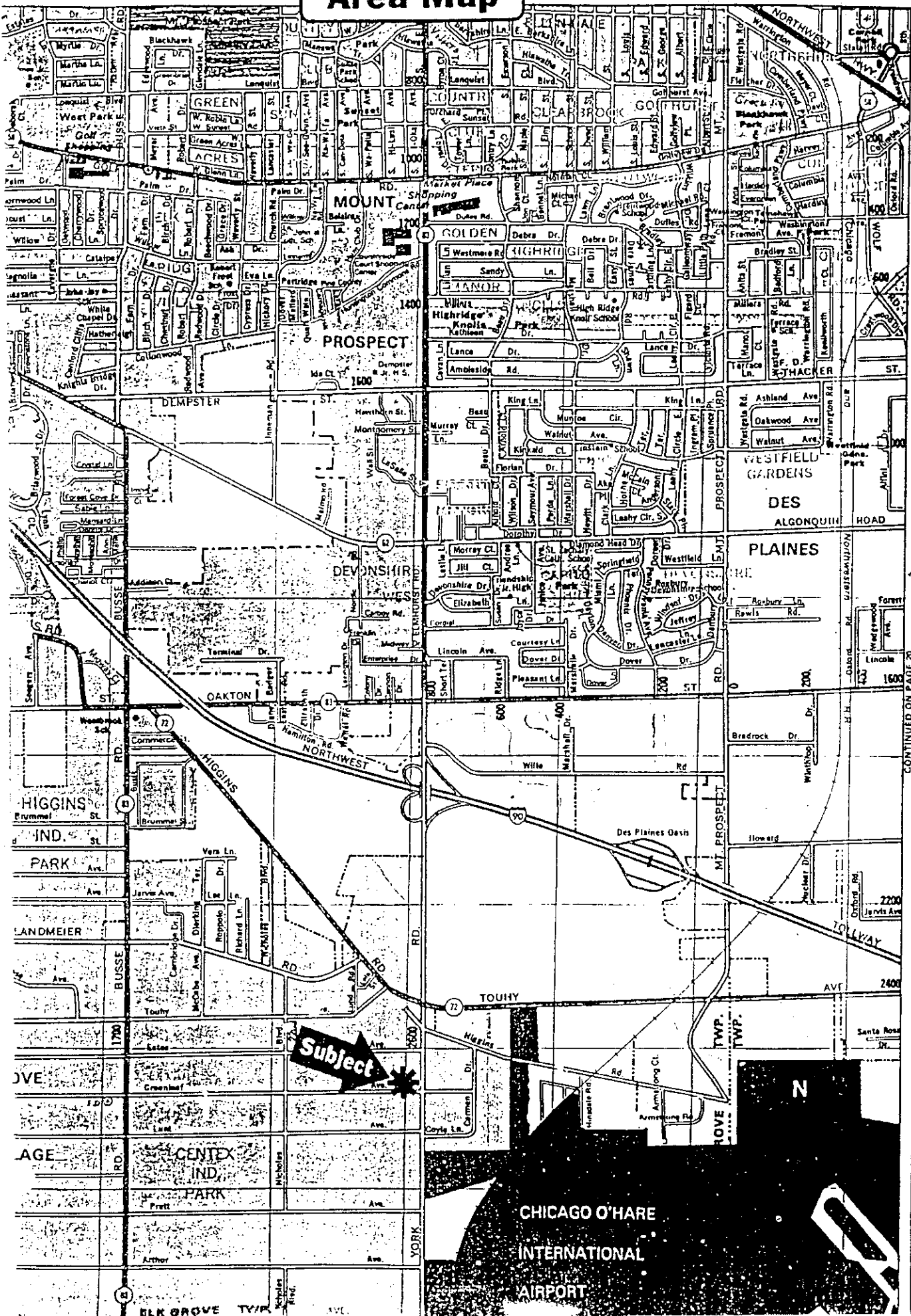
Published by
HORDER'S, INC.
A COMPLETE MAP SERVICE
MAP HEADQUARTERS -
184 N. WABASH AVE.
CHICAGO
Franklin 2-6760



KEY
TOWNSHIP BOUNDARIES
VILLAGE BOUNDARIES
CHICAGO



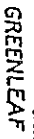
Area Map



CONTINUED ON PAGE 20

22

PHONE 46 2121 000 - 2143



State of Illinois,
County of Cook.

We, **CLEVELAND BUDENHORN** do hereby certify that we have surveyed the above described property and that the plot thereon demands to be subdivided into lots and conveyed to the several owners of the same.

(Signature)
Cleveland Budenborn

Witness my hand and seal of office this _____ day of _____ 19____.

(Signature)
J. J. McLaughlin, County Clerk

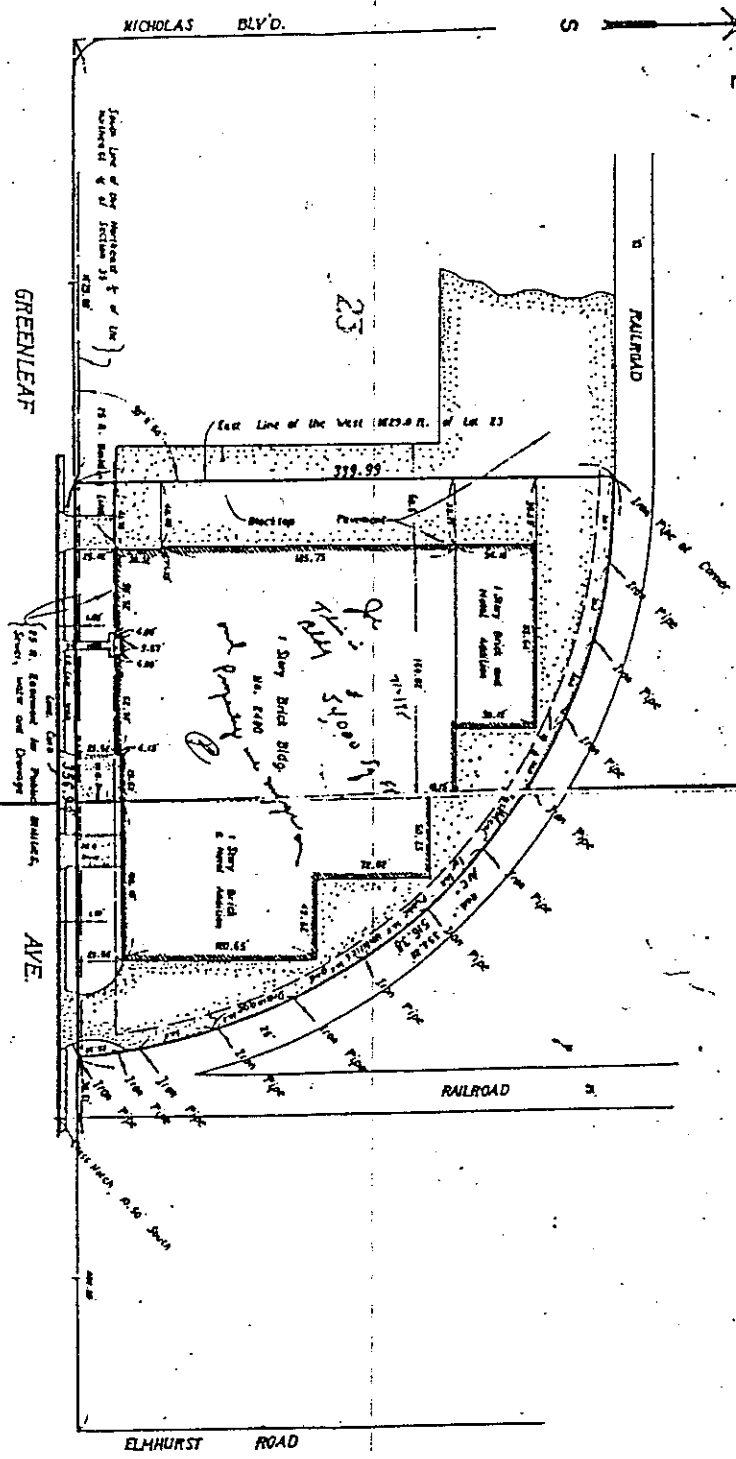
380
680

4805 N. ELSTON AVENUE
CHICAGO, ILLINOIS 60630

PLAT OF SURVEY GREMLEY & BIEDERMANN

PHONE AC 311-885-B02

LOT 23, ACCEPT THE WEST 1629.0 FEET (THEORY) IN CENTER INDUSTRIAL PARK UNIT 5, BEING A SUBDIVISION IN SECTION 35, TOWNSHIP 41 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN IN COOK COUNTY, ILLINOIS.



Distance are marked in feet and decimal parts thereof.
Survey was completed.
SHEETS TO BE ATTACHED TO THIS PLAN SHALL BE INDICATED.
Order No. 6737355
Scale 1 inch = 40 feet
Date October 20, 1971
Ordered by: A.C. BAKER, Inc.



State of Illinois
County of Cook
We, GREMLEY & BIEDERMANN do hereby certify that we have surveyed the above described property and that the plat hereon drawn is a true and correct representation of the same and is a true and correct representation of the same and is a true and correct representation of the same.

12:15
TERRENCE O'BRIEN & Co.

TERRENCE M. O'BRIEN, M.A.I.

APPRAISAL REPORT

OF

2480 GREENLEAF AVENUE

ELK GROVE VILLAGE, ILLINOIS

- THE SUBJECT PROPERTY CONSISTS
OF A MODERN, SINGLE STORY,
BRICK AND VERTICAL STEEL
SIDED, INDUSTRIAL/WAREHOUSE
BUILDING CONTAINING 55,955+
SQUARE FEET, SITUATED ON
A PARCEL OF LAND CONTAINING
154,681+ SQUARE FEET -

FOR

MR. KARL L. GREITER

TREASURER

ACME-WILEY CORPORATION

1/27/12
C

Permanent Tax Index Numbers:

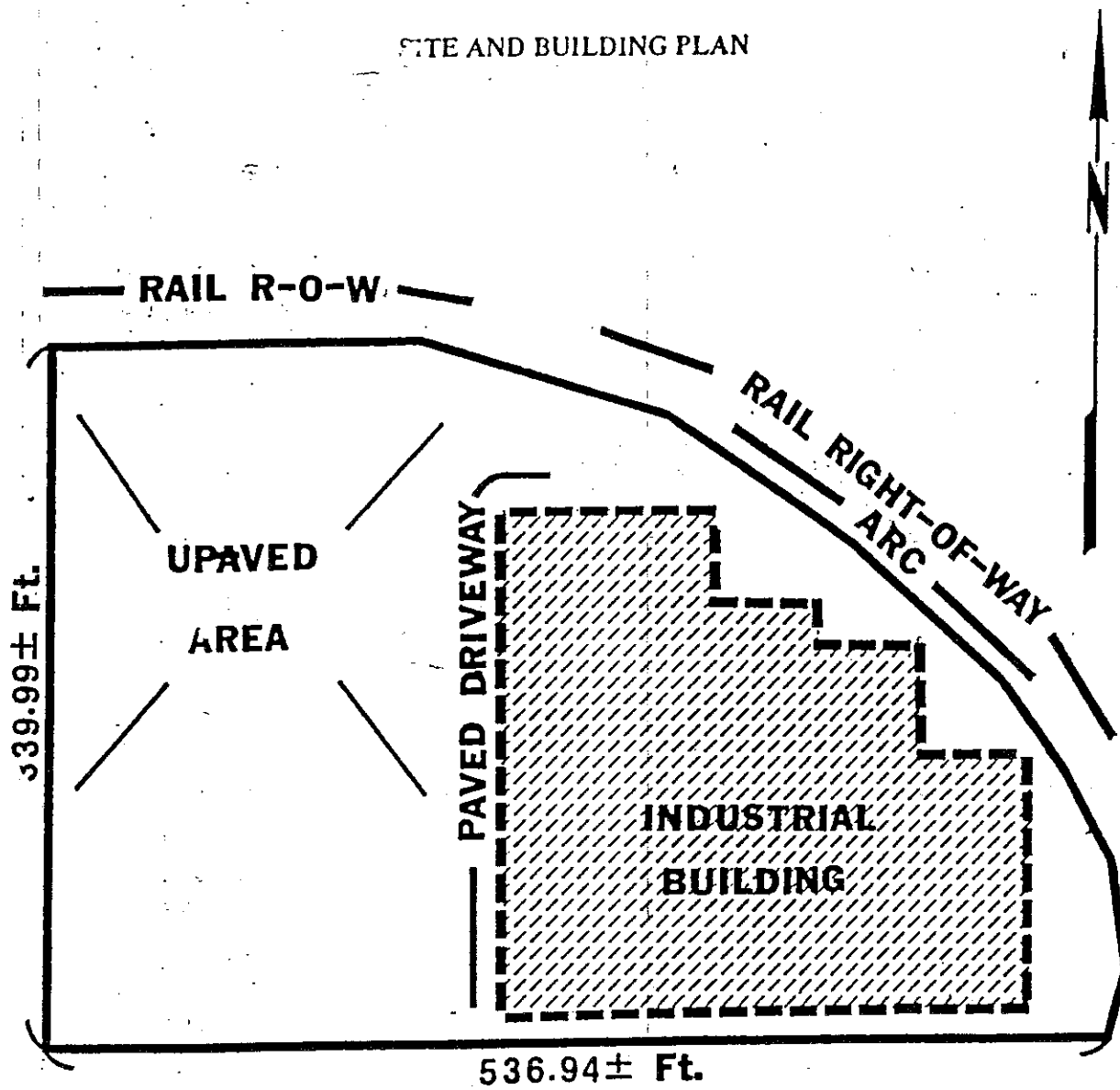
08-35-203-013 and 014

REAL ESTATE APPRAISERS - BROKERS - CONSULTANTS
1247 WAUKEGAN ROAD • SUITE 103 • GLENVIEW, ILLINOIS 60025

(312) 729-1310

REAL ESTATE APPRAISERS - BROKERS - CONSULTANTS

SITE AND BUILDING PLAN



Legend:

Note: Not To Scale

All Measurements
Are Approximate

Lot Line ———

Building Line - - - -

Building Area 



TESTING REPORT
FOR
SURFACE INVESTIGATION

Prepared For:

ACME-WILEY CORPORATION
SIGNS AND SYSTEMS
2480 GREENLEAF AVENUE
ELK GROVE VILLAGE, ILLINOIS 60007

OCTOBER 19, 1993
EGSL PROJECT NO.: 93-319



Solving Environmental Problems Today for Tomorrow's Generation



445 W. Erie St.
Suite 207
Chicago, IL 60610
(312) 642-8434
Fax (312) 642-4852

TESTING REPORT
FOR
SUBSURFACE INVESTIGATION

Prepared For:

Acme-Wiley Corporation
Signs and Systems
2480 Greenleaf Avenue
Elk Grove Village, Illinois 60007

Project Reference:

Acme-Wiley Corporation
Signs and Systems
2480 Greenleaf Avenue
Elk Grove Village, Illinois 60007

EGSL Project Number: 93-319

October 19, 1993



TABLE OF CONTENTS

I.	Introduction.	.	.	.	.	.	.	.	3
II.	Field Activities	.	.	.	.	.	.	.	3
III.	Results.	.	.	.	.	.	.	.	4
IV.	Conclusion	.	.	.	.	.	.	.	5

ATTACHMENT

- A. Site Diagram
- B. Laboratory Analysis



I. INTRODUCTION

On September 22, 1993 Environmental Group Services, Ltd. (EGSL) was contracted by Acme-Wiley Corporation (Client) to perform a series of standard penetration soil borings upon the subject property.

The purpose of the soil borings was to determine the potential presence of contamination, in an area located upon the subject property previously utilized for the storage of paint and solvent wastes. At present this area is overlain with asphalt and is presently used as part of the parking lot.

II. FIELD ACTIVITIES

On October 7, 1993, EGSL, dispatched a drill rig and crew to the subject property to perform a series of borings.

The field activities began with the field engineer and technicians assessing the subject property and determining the locations for the soil borings to be performed.

Based upon our assessment, a total of seven (7) soil borings (B1-B7) were performed to a depth of three (3) feet. Borings B1-B6 were performed in the area previously used for the storage of paint and solvent wastes and B7 was performed approximately 150' away from this area to gauge background conditions. Samples were collected at one and one-half (1.5) foot intervals at each of the boring locations utilizing Standard California Bronze Sampling Tubes. A diagram depicting the site and the boring locations is enclosed herewith as Attachment A.

Based upon the field screening process soil samples collected from boring locations B1 through B7 at a depth 1.5' were logged, preserved, and submitted to American Environmental Analytical, Inc. (AEA) for analysis. A copy of the laboratory report is enclosed herewith as Attachment B.

III. RESULTS

OVM-PID readings registered 0.00 ppm for each of the samples collected from each of the boring locations.

No odor or visual signs of hydrocarbon related contamination was evident in any of the soil samples collected at the boring locations.

Table I below summarizes the results of the laboratory analysis.



TABLE I

<u>SAMPLE ID</u>	<u>Toluene</u>	<u>m/p-Xylene</u>	<u>o-Xylene</u>	<u>Total</u>
B1	0.022	0.019	0.009	0.050
B2	0.012	0.007	ND	0.019
B3	0.017	0.010	ND	0.027
B4	0.009	0.007	ND	0.016
B5	0.015	0.006	ND	0.021
B6	0.013	0.008	ND	0.021
B7	ND	ND	ND	ND

Method Detection Limit: 0.005 ppm

ND: Non Detect (Below Detection Limits)





VI. CONCLUSION

Based upon the results of the field screening process and the results of the laboratory analysis, only minute levels of toluene and xylene were detected in the area previously utilized for the storage of paint and solvent wastes.

Given the diminutive levels of toluene and xylene, the overlain asphalt limiting the infiltration of precipitation, and the present and expected future use of this area for parking, it is EGSL's opinion that further testing and/or remediation may not be necessary.

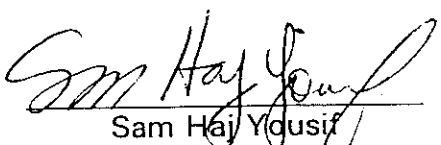
This report presents EGSL's professional interpretation and judgment of the existing site conditions based on information gathered. Professional judgments expressed are based on facts currently available within the limits of the mutually agreed to scope of work, budget and schedule. It is not intended to be exhaustive in scope. EGSL's work was performed in accordance with generally accepted engineering standards. However, the cost information presented herein cannot be construed as engineering estimates. It is EGSL's specific intent that the costs, conclusions and recommendations presented here be used as guidance and not necessarily as a firm course of action unless explicitly stated as such. WE MAKE NO WARRANTIES, EXPRESSED OR IMPLIED INCLUDING WITHOUT LIMITATION, WARRANTIES AS TO MARKETABILITY OR FITNESS FOR A PARTICULAR PURPOSE. In addition, the information provided in this report is not to be construed as legal advice. EGSL is not engaged in environmental reporting for the purpose of advertising, sales promotion or endorsement of any client's interest, including raising investment capital, recommending investment decisions, or other publicity purposes.

This report is exclusively for the use and benefit of the addressee(s) identified on the first page of this report and is not for the use or benefit of, nor may it be relied upon by, any other person or entity.

Respectively Submitted by Environmental Group Services, Ltd.



V. Shadow Mirkhaef
Senior Vice President



Sam Haj Yousif
Senior Director of Operations



ENVIRONMENTAL GROUP SERVICES Ltd.

Acme-Wiley Corp.
October 19, 1993

ATTACHMENT A
SITE DIAGRAM



ENVIRONMENTAL GROUP SERVICES Ltd.

Acme-Wiley Corp.
October 19, 1993

ATTACHMENT B
LABORATORY ANALYSIS



AMERICAN ENVIRONMENTAL ANALYTICAL INC.

LABORATORY REPORT

CLIENT: ENVIRONMENTAL GROUP SERVICES, LTD.
445 WEST ERIE STREET - SUITE 207
CHICAGO, IL 60610

PROJECT :ACME WILEY
NO :93-319
ATT. TO :SAM HAJ YOUSIF
RECEIVED :10/02/93
REPORTED :10/08/93
FILE # :31002003

VERIFIED BY:

A handwritten signature, possibly reading 'CS', written over a horizontal line.

LAB. DIRECTOR:

A complex, stylized handwritten signature written over a horizontal line.



AMERICAN ENVIRONMENTAL ANALYTICAL INC.

CONSULTANT

Environmental Group Services, Ltd.
445 W. Erie St.- Suite 207
Chicago, IL 60610

PROJECT

Name : Acme Wiley
No : 93-319
Att : Sam Haj Yousif

SAMPLE DESCRIPTION

Client Project ID: B1-1.5'
Sample AEA ID# : 31002-003
Matrix : Soil
Sampler : Sam Haj Yousif
Sample Container : Glass
No. of Containers: 1
Date Received : 10/02/93
Date Extracted : 10/06/93
Date Analyzed : 10/06/93
Date Reported : 10/08/93

LABORATORY ANALYSIS:

8020SW846

<u>PARAMETERS</u>	<u>RESULTS</u>	<u>UNITS</u>	<u>SOIL ADL</u>	<u>MDL</u>
BTEX				
Toluene	0.022	mg/Kg	0.005	0.005
m/p-Xylene**	0.019	mg/Kg	0.005	0.005
o-Xylene	0.009	mg/Kg	0.005	0.005
Total	0.050	mg/Kg		

** Cannot Distinguish Between m-Xylene & p-Xylene.
Elevated Detection Limit Due To Sample Concentration.
@ Elevated Detection Limit Due To Matrix Interference



AMERICAN ENVIRONMENTAL ANALYTICAL INC.

CONSULTANT

Environmental Group Services, Ltd.
445 W. Erie St.- Suite 207
Chicago, IL 60610

PROJECT

Name :Acme Wiley
No :93-319
Att :Sam Haj Yousif

SAMPLE DESCRIPTION

Client Project ID:B2-1.5'
Sample AEA ID# :31002-004
Matrix :Soil
Sampler :Sam Haj Yousif
Sample Container :Glass
No. of Containers:1
Date Received :10/02/93
Date Extracted :10/06/93
Date Analyzed :10/06/93
Date Reported :10/08/93

LABORATORY ANALYSIS:

8020SW846

<u>PARAMETERS</u>	<u>RESULTS</u>	<u>UNITS</u>	<u>SOIL ADL</u>	<u>MDL</u>
BTEX				
Toluene	0.012	mg/Kg	0.005	0.005
m/p-Xylene**	0.007	mg/Kg	0.005	0.005
o-Xylene	ND	mg/Kg	0.005	0.005
Total	0.019	mg/Kg		

** Cannot Distinguish Between m-Xylene & p-Xylene.
Elevated Detection Limit Due To Sample Concentration.
@ Elevated Detection Limit Due To Matrix Interference



AMERICAN ENVIRONMENTAL ANALYTICAL INC.

CONSULTANT

Environmental Group Services, Ltd.
445 W. Erie St.- Suite 207
Chicago, IL 60610

PROJECT

Name :Acme Wiley
No :93-319
Att :Sam Haj Yousif

SAMPLE DESCRIPTION

Client Project ID:B3-1.5'
Sample AEA ID# :31002-005
Matrix :Soil
Sampler :Sam Haj Yousif
Sample Container :Glass
No. of Containers:1
Date Received :10/02/93
Date Extracted :10/06/93
Date Analyzed :10/06/93
Date Reported :10/08/93

LABORATORY ANALYSIS:

8020SW846

<u>PARAMETERS</u>	<u>RESULTS</u>	<u>UNITS</u>	<u>SOIL ADL</u>	<u>MDL</u>
BTEX				
Toluene	0.017	mg/Kg	0.005	0.005
m/p-Xylene**	0.010	mg/Kg	0.005	0.005
o-Xylene	ND	mg/Kg	0.005	0.005
Total	0.027	mg/Kg		

** Cannot Distinguish Between m-Xylene & p-Xylene.
Elevated Detection Limit Due To Sample Concentration.
@ Elevated Detection Limit Due To Matrix Interference



AMERICAN ENVIRONMENTAL ANALYTICAL INC.

CONSULTANT

Environmental Group Services, Ltd.
445 W. Erie St.- Suite 207
Chicago, IL 60610

PROJECT

Name :Acme Wiley
No :93-319
Att :Sam Haj Yousif

SAMPLE DESCRIPTION

Client Project ID:B4-1.5'
Sample AEA ID# :31002-006
Matrix :Soil
Sampler :Sam Haj Yousif
Sample Container :Glass
No. of Containers:1
Date Received :10/02/93
Date Extracted :10/06/93
Date Analyzed :10/06/93
Date Reported :10/08/93

LABORATORY ANALYSIS:

8020SW846

<u>PARAMETERS</u>	<u>RESULTS</u>	<u>UNITS</u>	<u>SOIL ADL</u>	<u>MDL</u>
BTEX				
Toluene	0.009	mg/Kg	0.005	0.005
m/p-Xylene**	0.007	mg/Kg	0.005	0.005
o-Xylene	ND	mg/Kg	0.005	0.005
Total	0.016	mg/Kg		

** Cannot Distinguish Between m-Xylene & p-Xylene.
Elevated Detection Limit Due To Sample Concentration.
@ Elevated Detection Limit Due To Matrix Interference



AMERICAN ENVIRONMENTAL ANALYTICAL INC.

CONSULTANT

Environmental Group Services, Ltd.
445 W. Erie St.- Suite 207
Chicago, IL 60610

PROJECT

Name : Acme Wiley
No : 93-319
Att : Sam Haj Yousif

SAMPLE DESCRIPTION

Client Project ID: B5-1.5'
Sample AEA ID# : 31002-007
Matrix : Soil
Sampler : Sam Haj Yousif
Sample Container : Glass
No. of Containers: 1
Date Received : 10/02/93
Date Extracted : 10/07/93
Date Analyzed : 10/07/93
Date Reported : 10/08/93

LABORATORY ANALYSIS:

8020SW846

<u>PARAMETERS</u>	<u>RESULTS</u>	<u>UNITS</u>	<u>SOIL ADL</u>	<u>MDL</u>
BTEX				
Toluene	0.015	mg/Kg	0.005	0.005
m/p-Xylene**	0.006	mg/Kg	0.005	0.005
o-Xylene	ND	mg/Kg	0.005	0.005
Total	0.021	mg/Kg		

** Cannot Distinguish Between m-Xylene & p-Xylene.
Elevated Detection Limit Due To Sample Concentration.
@ Elevated Detection Limit Due To Matrix Interference



AMERICAN ENVIRONMENTAL ANALYTICAL INC.

CONSULTANT

Environmental Group Services, Ltd.
445 W. Erie St.- Suite 207
Chicago, IL 60610

PROJECT

Name : Acme Wiley
No : 93-319
Att : Sam Haj Yousif

SAMPLE DESCRIPTION

Client Project ID: B7-1.5'
Sample AEA ID# : 31002-008
Matrix : Soil
Sampler : Sam Haj Yousif
Sample Container : Glass
No. of Containers: 1
Date Received : 10/02/93
Date Extracted : 10/07/93
Date Analyzed : 10/07/93
Date Reported : 10/08/93

LABORATORY ANALYSIS:

8020SW846

<u>PARAMETERS</u>	<u>RESULTS</u>	<u>UNITS</u>	<u>SOIL ADL</u>	<u>MDL</u>
BTEX				
Toluene	0.013	mg/Kg	0.005	0.005
m/p-Xylene**	0.008	mg/Kg	0.005	0.005
o-Xylene	ND	mg/Kg	0.005	0.005
Total	0.021	mg/Kg		

** Cannot Distinguish Between m-Xylene & p-Xylene.
Elevated Detection Limit Due To Sample Concentration.
@ Elevated Detection Limit Due To Matrix Interference



AMERICAN ENVIRONMENTAL ANALYTICAL

LABORATORY TESTING OF SOIL
WATER AND HAZARDOUS MATTER

3516 W. Dempster, Skokie, IL 60076
Tel: (708) 329-0922, Fax: (708) 329-1225

CHAIN OF CUSTODY

Customer Name & Address: EGSL	Project Name: Acme Wiley.
Address: Sam / H. H.	Sampler Name: H. H.
Report to: Sam / H. H.	Project #: 93-319.
Phone #: 642-8434	Time Period: 5 Day 3 Day 1-2 Day <24Hr
	Date Needed: 10/8/93

	Description	Matrix	Date/Time	Type Cont.	# Cont.	Parameters Requested	AEA ID #
1	B1 1.5'	Soil	10/1/93	Blank	1	Xylene / Toluene	31002-0
2	B2 1.5'	✓	✓	✓	✓	"	31002-00
3	B3 1.5'	✓	✓	✓	✓	"	31002-00
4	B4 1.5'	✓	✓	✓	✓	"	31002-0
5	B5 1.5'	✓	✓	✓	✓	"	31002-0
6	B7 1.5'	✓	✓	✓	✓	"	31002-0
7							
8							
9							
10							
11							
12							
13							
14							
15							
Sample Preserved: Y-N Ice						Temp. of Container °C 4°C	

Relinquished by: Debra H. H.	Date/Time: 10/4/93	Accepted by: MMH
Relinquished by:	Date/Time:	Accepted by:

AEA Project Manager:

Special Instructions:

Page of

WHITE - OFFICE COPY

YELLOW - CUSTOMER COPY

PINK - LAB COPY



AMERICAN ENVIRONMENTAL ANALYTICAL INC.

LABORATORY REPORT

CLIENT: ENVIRONMENTAL GROUP SERVICES, LTD.
445 WEST ERIE STREET - SUITE 207
CHICAGO, IL 60610

PROJECT :ACME-WILEY
NO :93-319
ATT. TO :SAM HAJ YOUSIF
RECEIVED :10/07/93
REPORTED :10/13/93
FILE # :31007057

VERIFIED BY:

A handwritten signature, possibly reading "AJ", is written over a horizontal line.

LAB. DIRECTOR:

A large, stylized handwritten signature is written over a horizontal line.



AMERICAN ENVIRONMENTAL ANALYTICAL INC.

CONSULTANT

Environmental Group Services, Ltd.
445 W. Erie St.- Suite 207
Chicago, IL 60610

PROJECT

Name : Acme-Wiley
No : 93-319
Att : Sam Haj Yousif

SAMPLE DESCRIPTION

Client Project ID: BACKGROUND
Sample AEA ID# : 31007-057
Matrix : Soil
Sampler : Sam Haj Yousif
Sample Container : Glass
No. of Containers: 1
Date Received : 10/07/93
Date Extracted : 10/13/93
Date Analyzed : 10/13/93
Date Reported : 10/13/93

LABORATORY ANALYSIS:

8020SW846

<u>PARAMETERS</u>	<u>RESULTS</u>	<u>UNITS</u>	<u>SOIL ADL</u>	<u>MDL</u>
<u>XYLENE & TOLUENE</u>				
Toluene	ND	mg/Kg	0.005	0.005
m/p-Xylene**	ND	mg/Kg	0.005	0.005
o-Xylene	ND	mg/Kg	0.005	0.005
Total	<0.005	mg/Kg		

** Cannot Distinguish Between m-Xylene & p-Xylene.

Elevated Detection Limit Due To Sample Concentration.

@ Elevated Detection Limit Due To Matrix Interference



AMERICAN ENVIRONMENTAL ANALYTICAL

LABORATORY TESTING OF SOIL
WATER AND HAZARDOUS MATERIAL

3516 W. Dempster, Skokie, IL 60076
Tel: (708) 329-0922 Fax: (708) 329-1111

CHAIN OF CUSTODY

Customer Name & Address: Address: EGSL	Project Name: Acme-Wiley
Report to: Sam H.	Sample Name: Sam H.
Phone #: _____	Project #: 93-317
	Time Period: 5 Day 3 Day 1-2 Day 24Hr.
	Date Needed: 10-14-93

	Description	Matrix	Date/Time	Type Cont.	# Cor	Parameters Requested	AEA ID #
1	BACK GROUND Soil	Soil	10-7-93	Blank	1	Xylene (BTEX) Toluene	31001-157
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
Sample Preserved: Y - N						Temp. of Container °C	

Relinquished by: *[Signature]*

Date/Time: 10/7/93

Relinquished by: _____

Date/Time: _____

AEA Project Manager: _____

Special Instructions: _____

Accepted by: *[Signature]*

Accepted by: _____

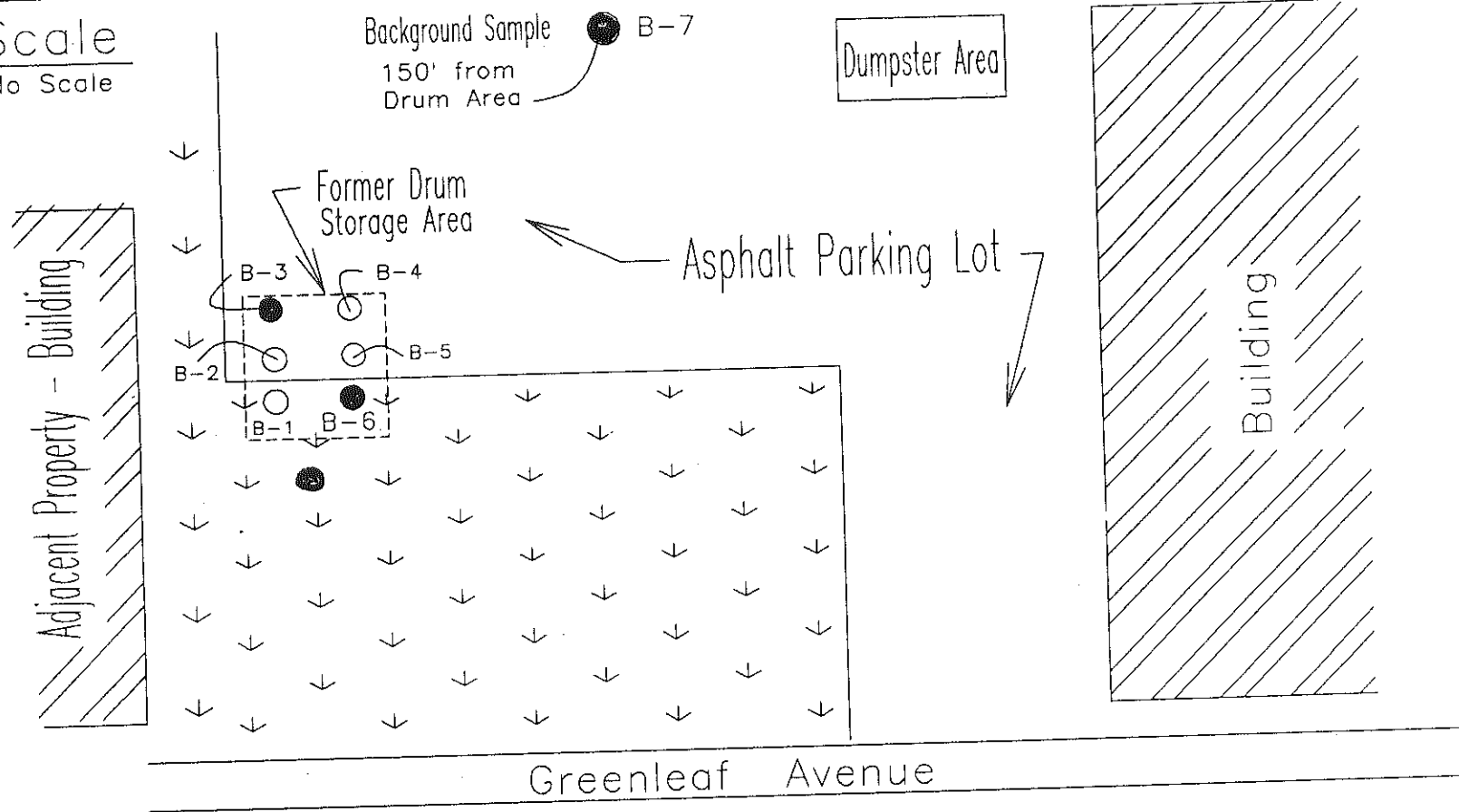
Page _____ of _____

WHITE - OFFICE COPY

YELLOW - CUSTOMER COPY

PINK - LAB COPY

Scale
No Scale



REVISIONS		
NO	Date	Remarks

By: Aprvd

ENVIRONMENTAL GROUP SERVICES LTD.
445 West Erie Suite 207
CHICAGO, ILLINOIS 60610

Acme-Wiley Corporation
2480 Greenleaf Avenue
Elk Grove Village, Illinois

Acme-Wiley Corporation
2480 Greenleaf Avenue
Elk Grove Village, Illinois

Proj. No. 93-319
Date: 10-21-93
Sheet No. 1



TURNKEY ENVIRONMENTAL CONSULTANTS, Inc.

500 W. Central Road • Mt. Prospect, IL 60056-2380 • Telephone: (708) 259-5533 • 1-800-451-7423 • Fax: (708) 259-5606

March 17, 1994

Ms. Kathleen A. Roeben
Director of Human Resources
ACME-Wiley Corporation
2480 Greenleaf Avenue
Elk Grove Village, IL 60007

Re: **Proposal**
Provide Soil Sampling/Professional Engineering Certification
RCRA Closure of Former Hazardous Waste Storage Site

Dear Ms. Roeben:

TURNKEY is pleased to submit our proposal to perform the referenced services. This proposal is based upon our discussions and walk-through of the site on March 17, 1994.

BACKGROUND

ACME-Wiley Corporation is seeking post-closure soil sampling and certification by an Illinois-licensed Professional Engineer (P.E.). The former waste storage site consists of an area approximately ten foot by fifteen foot (10' X 15') in the north section of the property. The storage area was partially covered with asphalt, with the remainder on bare soil. ACME-Wiley Corporation is in the process of developing a Closure Plan which meets the Illinois Environmental Protection Agency (IEPA) guidelines under the Resource Conservation and Recovery Act (RCRA).

This proposal assumes that the Closure Plan will receive the IEPA's approval.

PROPOSAL

TURNKEY proposes the following:

1. Review the Closure Plan, waste characterization, IEPA citations, waste manifests, soil sampling data and related information.
2. Attend pre-remediation meeting with client and remediation firm to review details of the project, adherence to the Closure Plan, destination of removed soils, scheduling, etc.





Ms. Kathleen A. Roeben
March 17, 1994
Page Two

3. On the day(s) of remediation, provide on-site oversight to ensure that the Closure Plan is being followed. At the completion of soil removal, obtain three (3) samples in the remediation area plus one (1) background soil sample and submit to an approved laboratory for analysis. Perform a final site inspection.
4. Prepare a report documenting site remediation activities and soil sampling results.
5. A licensed P.E. will then certify that the Closure Plan was followed per IEPA's requirements.

STAFF ASSIGNMENTS

William N. McKinnery, P.E. and Certified Industrial Hygienist (C.I.H.), will direct project activities and provide final certification. He will be assisted by experienced field personnel.

SCHEDULE

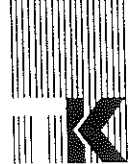
The meeting to review available documentation and to discuss site remediation will require part of a day. On-site oversight and soil sampling will require approximately one (1) day. Laboratory analysis of clearance soil samples will require five (5) to ten (10) days. A written report and closure certification will be prepared within one (1) week of reviewing laboratory results.

INSURANCE

TURNKEY carries the following insurance with Best "A" rated carriers:

1. Workers' Compensation - \$1,000,000
2. Comprehensive General Liability Insurance - \$1,000,000
3. Comprehensive Automobile Liability Insurance - \$1,000,000
4. Professional Liability Insurance - \$1,000,000





LIMITATIONS

TURNKEY Environmental Consultants, Inc. will make every effort to provide as complete an evaluation as practicable consistent with the scope of this proposal and the time available. However, the limitations inherent in this type of investigation must be recognized. TURNKEY shall not be liable for indirect or consequential damages including but not limited to lost profits. Claims by the client, its officers, directors, employees, agents, successors and assigns against TURNKEY, its officers, directors, agents, employees and subcontractors must be made within one (1) year of the date of the report, shall be limited by TURNKEY's insurance coverage and shall not, in any case, exceed the total fees paid to TURNKEY in connection with this project.

ARBITRATION CLAUSE

If any controversy or claim arises out of or relates to this contract, or breach thereof, and if said dispute cannot be settled through negotiation, the parties shall submit to binding arbitration in accordance with the Construction Industry Arbitration Rules of the AAA, and judgment upon the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

COSTS

The price of the proposed activities is as follows:

Pre-planning, Oversight, Sampling, Reporting and P.E. Certification	\$ 1,950.00
Laboratory Analysis (3 samples plus blank)	<u>\$ 4,725.00</u>
	\$ 6,675.00

Additional activities will be charged per the attached rate schedule.

This proposal is valid for 30 days, after which TURNKEY Environmental Consultants, Inc. reserves the right to withdraw or amend it without limitation.





Ms. Kathleen A. Roeben
March 17, 1994
Page Four

TURNKEY's invoices are due upon receipt. Invoices not paid within 30 days are subject to interest at the rate of 1-1/2 percent per month on the unpaid balance. The client agrees to pay these charges and to reimburse TURNKEY for all legal and other expenses related to the collection of overdue monies related to this engagement.

ACCEPTANCE

Formal acceptance of this proposal as well as its terms and conditions is required before we can begin work. Acceptance may be accomplished by simply returning a signed copy of this proposal. In order to save time you may fax us the signed signature page at (708) 259-5606 and return the complete signed document via U. S. mail or courier.

We look forward to working with you on this important project.

Respectfully,

William E. Pfanenstiel, CIH, CHMM
Senior Consultant

WEP:yj
Attachment

Acceptance:

Name Title

Signature Date

(94-0061)





FEE SCHEDULE

Professional Engineer*	\$125 per hour
Certified Industrial Hygienist	\$100 per hour
Registered Architect**	\$100 per hour
Mechanical Engineer	\$100 per hour
Industrial Hygienist	\$ 75 per hour
Environmental Technician	\$ 75 per hour
Word Processor	\$ 35 per hour
Expert Witness	\$200 per hour

TURNKEY charges for travel time and out-of-pocket expenses. These will be billed at cost plus 20 percent.

- * Professional Engineer in: Illinois and Missouri
- ** Registered Architect in: Idaho, Illinois, Indiana,
Kentucky, Louisiana, Michigan
Missouri, New York, Ohio
Wisconsin





Illinois Environmental Protection Agency P.O. Box 19276, Springfield, IL 62794-9276

RCRA INTERIM STATUS CLOSURE AND POST-CLOSURE CARE PLANS GENERAL FORM LPC-PA18

THIS FORM MUST ACCOMPANY ANY RCRA INTERIM-STATUS CLOSURE AND/OR POST-CLOSURE CARE PLANS OR MODIFICATION REQUEST SUBMITTED TO THE DIVISION OF LAND POLLUTION CONTROL. THE ORIGINAL AND TWO COPIES OF ALL DOCUMENTS SUBMITTED MUST BE PROVIDED.

FACILITY IDENTIFICATION (Information about the facility where the units are located which are addressed in this closure plan)

Name: Acme-Wiley Corporation County: Cook
Street Address: 2480 Greenleaf Site # (IEPA): 0314405015
City: Elk Grove Village Site No. (USEPA): ILD 9847911798

OWNER INFORMATION

Name: Roger L. O'Neill
Mailing Address: 2480 Greenleaf Avenue
Elk Grove Village, IL
60007

OPERATOR INFORMATION

Name: Roger L. O'Neill
Mailing Address: 2480 Greenleaf Avenue
Elk Grove Village, IL
60007
Contact Name: Kathleen A. Roeben
Contact Title: Environmental Coord.
Phone #: (708) 364-2250

TYPE OF SUBMISSION (check applicable item and provide requested information, as applicable)

☒ **XX** Original (New) Closure Plan
☐ Original (New) Post-Closure Plan
☐ Response to Disapproval letter
☐ Modification Request
☐ Additional Information for _____ / _____ / _____ Submittal (Log No. _____ if known)

Log No. of Most Recent Agency
Approval/Disapproval Letter _____

Date of Most Recent Agency
Approval/Disapproval Letter _____

DESCRIPTION OF SUBMITTAL: (briefly describe what is being submitted)

CLOSURE PLAN FOR HAZARDOUS WASTE CONTAINER STORAGE AREA

LIST OF DOCUMENTS SUBMITTED (Identify all documents in this submittal, including the cover letter)

LPC-PA18
CLOSURE PLAN AND ATTACHMENTS,

MAR 28 1994

UNITS UNDERGOING CLOSURE (please identify what type of units are addressed in the plan, their capacities and whether they are on the RCRA Part A for the facility)

Unit	Unit Code	Number of Units Closing	Capacity	On Part A (Y/N)
Storage:				
Container (barrel, drum, etc.)	S01	<u>1</u>	<u>825 gal</u>	<u>N</u>
Tank	S02	_____	_____	_____
Waste Pile	S03	_____	_____	_____
Surface Impoundment	S04	_____	_____	_____

IL 532-2106
LPC 464 9/92

Printed on Recycled Paper

UNITS UNDERGOING CLOSURE (continued)

Unit	Unit Code	Number of Units Closing	Capacity	On Part A (Y/N)
Treatment:				
Tank	T01	_____	_____	_____
Surface Impoundment	T02	_____	_____	_____
Incinerator	T03	_____	_____	_____
Other (explain)	T04	_____	_____	_____
Disposal:				
Landfill	D00	_____	_____	_____
Land Application	D01	_____	_____	_____
Surface Impoundment	D03	_____	_____	_____

CERTIFICATION AND SIGNATURE (Must be completed for all submittals. Certification and signature requirements are set forth in 35 IAC 702.126. Any submittal involving engineering plans, specifications and calculations as defined in the Illinois Professional Engineering Act and 68 IAC 1380 must be signed and certified by an Illinois registered professional.)

All closure plans, post-closure plans and modifications must be signed by the person designated below or by a duly authorized representative of that person:

Corporation - By a principal executive officer of at least the level of Vice-president.
Partnership or Sole Proprietorship - By a general partner or the proprietor, respectively.
Government - By either a principal executive officer or a ranking elected official.

A person is a duly authorized representative only if:

1. the authorization is made in writing by a person described above; and
2. is submitted with this application (a copy of a previously submitted authorization can be used).

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Owner Signature: _____

Title: _____

Operator Signature: _____

Title: _____

Engineer Signature:
(if necessary) _____

Engineer Name: _____

Engineer Address: _____

Engineer Phone No.: _____

JM:sf/sp/1243r,1-2

3/24/94
(Date)

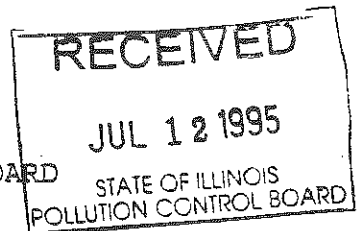
3/24/94
(Date)

(Date)

Engineer Seal:

This Agency is authorized to require this information under Illinois Revised Statutes, 1979, Chapter 111 1/2, Section 1039. Disclosure of this information is required under that Section. Failure to do so may prevent this form from being processed and could result in your application being denied. This form has been approved by the Forms Management Center.

**C.2 Compliance and
Enforcement**



BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

-vs-

ACME WILEY CORPORATION, an
Illinois corporation,

Respondent.

PCB 96-7
(Enforcement)

ILD 984 791 798

NOTICE OF FILING

TO: See Attached Service List

PLEASE TAKE NOTICE that I have today filed with the Illinois Pollution Control Board, a Complaint, Stipulation and Proposal for Settlement, an Agreed Motion to Request Relief from the Hearing Requirement, a Notice of Filing and a Certificate of Service, on behalf of the People of the State of Illinois and Acme Wiley Corporation, a copy of which is attached and hereto served upon you.

Respectfully submitted,

JAMES E. RYAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

By: *Zemeheret Bereket-AB*
ZEMEHERET BEREKET-AB
Assistant Attorney General
Environmental Bureau

DATE: July 12, 1995

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100 West Randolph Street, 12th Flr.
Chicago, IL 60601 (312) 814-3816

THIS FILING IS SUBMITTED ON RECYCLED PAPER

RECEIVED

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD JUL 12 1995

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

-vs-

ACME WILEY CORPORATION, an
Illinois corporation,

Respondent.

PCB 96 - 7
(Enforcement)

AGREED MOTION TO REQUEST RELIEF FROM THE HEARING REQUIREMENT

NOW COMES Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, and Respondent, ACME WILEY CORPORATION, an Illinois corporation and request relief from the hearing requirement in the above-captioned matter.

In support, the parties state as follows:

1. A complaint and Stipulation and Proposal for Settlement was filed with the Board on July 7, 1995.
2. Section 31(a)(2) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31(a)(2) (1992), provides:

Notwithstanding the provisions of subdivision (1) of this subsection (a), whenever a complaint has been filed on behalf of the Agency or by the People or the State of Illinois, the parties may file with the Board a stipulation and proposal for settlement accompanied by a request for relief from the requirement of a hearing pursuant to subdivision (1).


5. The parties hereto have filed a Stipulation and Proposal for Settlement and agree that a formal hearing is not necessary to conclude this matter and wish to avail themselves of Section 31(a)(2) of the Act.

WHEREFORE, Complainant and Respondent request relief from the hearing requirement pursuant to Section 31(a)(2) of the Act.

Respectfully submitted

JAMES E. RYAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division

By: 
ZEMEHERET BEREKET-AB
Assistant Attorney General
Environmental Bureau
100 West Randolph Street, 12th Flr.
Chicago, IL 60601 (312) 814-3094

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SERVICE LIST

1. Peter Felitti, Esq.
Freeborn & Peters
Suite 3000
311 South Wacker Drive
Chicago, IL 60606-6677
2. Dorothy Gunn
Clerk
Illinois Pollution Control Board
James R. Thompson Center - 11-500
100 West Randolph Street
Chicago, IL 60601

CERTIFICATE OF SERVICE

I, ZEMEHERET BEREKET-AB, an Assistant Attorney General in this case, do certify that I caused to be mailed, this 12th day of July, 1995, the foregoing Notice of Filing, Complaint, Stipulation and Proposal for Settlement, and Motion to Request Relief from the Hearing Requirement upon the person(s) listed on said Notice, by regular mail, in postage prepaid envelopes, and depositing same with the United States Postal Service located at 100 West Randolph Street, Chicago, Illinois 60601.



ZEMEHERET BEREKET-AB

RECEIVED

JUL 12 1995

STATE OF ILLINOIS
POLLUTION CONTROL BOARD

BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

-vs-

ACME WILEY CORPORATION,
an Illinois Corporation,

Respondents.

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)
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) PCB 96 - 7
) (Enforcement)
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STIPULATION AND PROPOSAL FOR SETTLEMENT
WITH ACME WILEY CORPORATION

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by JAMES E. RYAN, Attorney General of the State of Illinois, on his own motion and at the request of the Illinois Environmental Protection Agency ("Agency"), and Respondent, ACME WILEY CORPORATION, by its attorney, Freeborn & Peters do hereby submit this Stipulation and Proposal for Settlement. The parties agree that the statement of facts contained herein is made and agreed upon for purposes of settlement only and that neither the fact that a party has entered into this Stipulation and Proposal for Settlement, nor any of the facts stipulated herein, shall be deemed an admission of any fact or legal statement or of any liability, fault or wrongdoing, or evidence of such or an admission of a violation of any law, rule regulation or policy or introduced into evidence in this or any other proceeding except

to enforce the terms hereof by the parties to this agreement.

Notwithstanding the foregoing, this Stipulation and Proposal for Settlement and any order entered by the Illinois Pollution Control Board ("Board") accepting same may be used to the extent provided in Section 42(h) of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/42(h) (1992). This Stipulation and Proposal for Settlement shall be null and void unless the Board approves and disposes of this matter on each and every one of the terms and conditions of the settlement set forth herein.

I.

JURISDICTION

The Board has jurisdiction of the subject matter herein and of the parties consenting hereto pursuant to the Act, 415 ILCS 5/1 et seq (1992).

II.

AUTHORIZATION

The undersigned representatives for each party certify that they are fully authorized by the party whom they represent to enter into the terms and conditions of this Stipulation and Proposal for Settlement and to bind them legally to it.

III.

APPLICABILITY

This Stipulation and Proposal for Settlement shall apply to and be binding upon the Complainant and Respondent and any officer, agent, employee or servant of Respondent, as well as the Respondent's successors and assigns. The Respondent shall not raise as a defenses to any enforcement action taken pursuant to this Settlement the failure of its officers, directors, agents, servants or employees to take such action as shall be required to comply with the provisions of this Settlement.

IV.

COMPLAINANT'S STATEMENT OF FACTS

1. The Agency is an administrative agency established in the executive branch of the State government by Section 4 of the Act, 415 ILCS 5/4 (1992), and charged, inter alia, with the duty of enforcing the Act.

2. Respondent, Acme Wiley Corporation ("AWC"), is an Illinois corporation doing business in the State of Illinois.

3. At all times relevant to this Stipulation and Proposal for Settlement, AWC operates a plastic and metal signs manufacturing plant at premises located at 2480 Greenleaf Avenue, Elk Grove Village, Cook County, Illinois (the "site").

4. The wastes generated at the AWC site include paint and solvent wastes and paint filters. The paint and solvent wastes are generated when the painting guns utilized at the site are cleaned, and paint filters are generated as a result of the paint overspray which collects in filters on the back wall of all three spray painting booths at the site.

5. On July 3, 1990, an inspector from the Agency inspected the site. During that inspection visit, the inspector found approximately twenty-two (22) fifty-five (55) gallon drums of paint and solvent waste and paint filters being stored in a location at the site on wooden pallets. The drums were not labeled with any words that identified their contents. Additionally, the inspector observed that the soil in the area where the drums were being stored was stained. AWC did not have a RCRA permit for the storing of waste at the site.

6. On November 18, 1994, an inspector from the Agency inspected the site. During that inspection visit, the inspector confirmed that AWC had closed the drum storage site.

7. The paint and solvent waste generated from AWC's cleaning of the paint guns utilized at the site, and which is stored at the site, is "solid waste" as that term is defined at 35 Ill. Adm. Code 721.102, and "hazardous waste" as that term is

defined at Section 3.15 of the Act, 415 ILCS 5/3.15 (1992), and further, because it is listed as "hazardous" and has been assigned a U.S. EPA Hazardous Waste Identification Number of F005, pursuant to 35 Ill. Adm. Code 721.131.

8. Complainant alleges that as a result of AWC's containment of hazardous waste at the site on a temporary basis AWC operated a hazardous waste-storage facility.

9. Complainant further alleges that since at least July 3, 1990, and continuing until approximately November 18, 1994, AWC conducted a hazardous waste storage facility, without obtaining a RCRA permit issued by the Agency. Complainant also alleges that by conducting a hazardous waste storage facility AWC violated the following Pollution Control Board disposal regulations: Sections 703.121(a), 703.151(a), 722.111, 722.112(a), 722.134(c), 722.140(c), 722.141(a), 725.111, 725.113(a) and (b), 725.114(a), (b) and (c), 725.115(a), (b) and (c), 725.116(a), 725.117(a) and (b), 725.131, 725.132, 725.135, 725.137, 725.151(a), 725.155, 725.156, 725.173, 725.175, 725.212(a), 725.274, 725.276, 728.107(a) and (a) (1), 728.150(a) of 35 Ill. Adm. Code, and thereby also violated Sections 21(f) (1) and (2) and 21(i) of the Act, 415 ILCS 5/21(f) (1) and (2) and 21(i) (1992).

10. Additionally during the July 3, 1990 Agency's inspection of the site, the Agency inspectors discovered that AWC's dirty paint filters were placed with general refuse and delivered to an unlicensed special waste hauler for disposal.

11. Complainant alleges that on or before July 3, 1990 or a date better known to AWC and continuing until approximately May 14, 1993, AWC delivered paint filter wastes, special waste generated in Illinois, to an unlicensed special waste hauler for disposal, without completing and concurrently delivering a manifest to accompany the paint filter wastes, from delivery to the destination of the special wastes, in violation of Section 809.301 of 35 Ill. Adm. Code. Complainant further alleges that by violating Section 809.301, AWC also violated Section 21(e) of the Act, 415 ILCS 5/21(e) (1992).

12. In approximately July, 1993 Respondent retained the services of Environmental Group Services, Ltd. located at 445 West Erie, Suite 207, Chicago, Illinois, to perform soil sampling activities at the site. Accordingly:

- a) On March 25, 1994, Respondent presented to the Agency for review and approval, a closure plan containing the specific activities to be performed to properly remediate and close the

storage location.

- b) In June 1994 the Agency established soil cleanup objectives and detection limits for certain parameters at the site.
- c) On June 22, 1994, the Agency approved the closure plan;
- d) Approximately thirty (30) cubic yards of contaminated soil was removed from the storage location and transported as hazardous waste from the site by a transporter permitted to transport such waste from the site. Following such soil excavation activities, soil sampling analyses was conducted to determine compliance with soil cleanup objectives.
- e) On October 3, 1994, a Closure Certification Statement was filed with the Agency certifying that Respondent's storage location was closed in accordance with the closure plan previously approved by the Agency.
- f) On December 8, 1994, the Agency reviewed all soil sample results and determined that no further remediation activity was necessary at the site.

V.

NATURE OF RESPONDENT'S OPERATION

Respondent's facility is a plastic and metal signs manufacturing plant.

VI.

EXPLANATION OF PAST FAILURES TO COMPLY WITH THIS ACT

Complainant knows of no explanation for Respondent's past failure to comply with the Act.

VII.

FUTURE PLANS OF COMPLIANCE

Respondent shall in the future adhere to all federal and state hazardous waste-storage and waste-disposal regulations.

VIII.

IMPACT ON THE PUBLIC RESULTING FROM NON-COMPLIANCE

Section 33(c) of the Act, 415 ILCS 5/33(c) (1992), provides as follows:

In making its orders and determination, the Board shall take into consideration all the facts and circumstances bearing upon the reasonableness of the emissions, discharges, or deposits involved including, but not limited to:

1. the character and degree of injury to, or interference with the protection of the health, general welfare and physical property of the people;

2. the social and economic value of the pollution source;
3. the suitability or unsuitability of the pollution source to the area in which it is located, including the question of priority of location in the area involved;
4. the technical practicability and economic reasonableness of reducing or eliminating the emissions, discharges or deposits resulting from such pollution source; and
5. any subsequent compliance.

In response to these factors the Complainant states as follows:

1. Impact to the public resulting from Respondent's storing of hazardous waste at its site was that such hazardous waste was spilled resulting in contamination of the soils in the area where the drums were being stored.
2. The parties agree that the Respondent's facility has social and economic value.
3. Respondent operates emission sources which emit or are capable of emitting negligible amounts of organic material.
4. Respondent agrees that it is technically feasible and economically reasonable to dispose of its waste in a manner consistent with all federal and state waste storage and disposal rules and regulations.

5. Respondent did subsequently come into compliance by properly disposing of the wastes at a permitted facility, excavating the soils of the affected area to a level at which the Agency determined no further action was warranted and also properly disposing of the contaminated soils.

IX.

CONSIDERATION OF SECTION 42(h) FACTORS

Section 42(h) of the Act, 415 ILCS 5/42(h) (1992), provides as follows:

In determining the appropriate civil penalty to be imposed under subdivisions (a), (b)(1), (b)(2) or (b)(3) of this Section, the Board is authorized to consider any matters of record in mitigation or aggravation of penalty, including but not limited to the following factors:

- 1) the duration and gravity of the violation;
- 2) the presence or absence of due diligence on the part of the violator in attempting to comply with requirements of this Act and regulations thereunder or to secure relief therefrom as provided by this Act;
- 3) any economic benefits accrued by the violator because of delay in compliance with requirements;
- 4) the amount of monetary penalty which will serve to deter further violations by the violator and to otherwise aid in

enhancing voluntary compliance with this Act by the violator and other persons similarly subject to the Act; and

- 5) the number, proximity in time, and gravity of previously adjudicated violations of this Act by the violator.

In response to these factors the Complainant states as follows:

1. From at least July 3, 1990 and continuing to approximately November 18, 1994, Respondent failed to obtain a RCRA permit for its site or to close the site pursuant to the RCRA closure requirements contained in Part 725 of 35 Ill. Adm. Code. Further, although Respondent was aware that the soils in the areas where the drums were stored was contaminated, Respondent did not provide a closure plan for the site until July 28, 1993.

2. Although Respondent was not initially diligent in complying with the requirements of the Act and Board's regulations following the Agency's notification of the violations, Respondent did subsequently remediate the site and conducted RCRA closure of the site.

3. Respondent received an economic benefit by delaying the cost of compliance with the regulatory requirements. Respondent

denies this assertion.

4. The payment of forty-two thousand five hundred (\$42,500.00) dollars is reasonable based on the duration and nature of the alleged violations.

5. Complainant is not aware of any previously adjudicated violations of this Act by this Respondent.

X.

TERMS OF SETTLEMENT

1. Respondent shall pay the sum of forty-two thousand five hundred (\$42,500.00) dollars into the Illinois Environmental Protection Trust Fund. Respondent asserts that such payment is made solely for the purpose of avoiding the time and expense of litigation and is not an admission of any liability, fault or wrongdoing. Such amount shall be paid in installments according to the following payment schedule:

Payments	Time Period
\$14,500.00	30 days from the date on which the Board adopts a final order approving this Stipulation and Proposal for Settlement.
\$14,000.00	60 days from the date on which the Board adopts a final order approving this Stipulation and Proposal for Settlement.

\$14,000.00

90 days from the date on which the Board adopts a final order approving this Stipulation and Proposal for Settlement.

Payment shall be made by certified check or money order, payable to the Treasurer of the State of Illinois, designated to the Illinois Environmental Protection Trust Fund, and shall be sent by first class mail to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

Respondent's Federal Employer Identification Number is

36-0703295 and shall appear on the face of the certified check or money order.

2. Any late payment accelerates all remaining payments and all remaining payments shall immediately become due and owing as of the due date of the late payment.

3. Pursuant to Section 42(g) of the Act, 415 ILCS 5/42(g) (1992), interest shall accrue on any monetary amount not paid within the time prescribed herein, at the maximum rate allowable under Section 1003(a) of the Illinois Income Tax Act, 35 ILCS 5/1003(a) (1992).

a) Interest on unpaid amounts shall begin to accrue

from the date the payment is due and continue to accrue to the date payment is received.

- b) Where partial payment is made on any payment amount that is due, such partial payment shall be first applied to any interest on unpaid amounts.
- c) All interest on amounts owed the Complainant shall be paid by certified check payable to the Treasurer of the State of Illinois for deposit in the Environmental Protection Trust Fund and delivered to:

Illinois Environmental Protection Agency
Fiscal Services Division
2200 Churchill Road
P.O. Box 19276
Springfield, IL 62794-9276

The name and number of the case and Respondent's Federal Identification Number ("FEIN") shall appear on the face of the check. Respondent's FEIN is 36-0703295.

4. Whenever under the terms of this agreement, the time for performance of a condition falls on a Saturday, Sunday or holiday, such time for performance shall be extended to the next business day. Any first class mail shall be considered sent on the day it is postmarked.

5. Respondent, by signature on this Consent Order, represents that all waste found stored at the site during the Agency inspector's visit of July 3, 1990, was removed from the storage location and properly disposed of in accordance with state law and regulations.

6. Respondent by signature on this Stipulation and Proposal for Settlement represents that the storage location in which hazardous waste was stored, was remediated and closed in accordance with the Agency approved closure plan, and further, that as of this date said area is in compliance with the Act and Board's Rules and Regulations.

7. Respondent by signature on this Stipulation and Proposal for Settlement represents that the location in which hazardous waste was previously being stored, is not now being used as a waste storage or waste disposal area, and further, no waste, including, but not limited to, hazardous waste, is currently being stored or disposed in that area or any other area on site.

8. Effective immediately, Respondent shall at all times conduct appropriate waste characterization sampling of all waste generated at its plastic and metal signs manufacturing facility in accordance with all applicable state and federal laws.

9. Effective immediately, Respondent shall at all times store all waste, including, but not limited to, hazardous waste generated at its plastic and metal signs manufacturing facility, in accordance with all federal, state and local laws. Further, Respondent shall at all times dispose of all waste generated by its facility at a permitted facility and shall also comply with all manifest requirements.

10. Respondent shall at all times comply with all waste disposal regulations promulgated in the Board's Waste Disposal Pollution Regulations.

11. Respondent shall cease and desist from future violations of the Act, regulations promulgated thereunder, and the Resource Conservation and Recovery Act and regulations promulgated thereunder.

XI.

COMPLIANCE WITH OTHER LAWS AND REGULATIONS

This Settlement Agreement in no way affects Respondent's responsibility to comply with any federal, state or local regulations, including but not limited to, the Act, 415 ILCS 5/1 et seq. (1992), and the Board Waste Disposal Pollution Regulations, 35 Ill. Adm. Code Subtitles A through H.

XII.

RIGHT OF ENTRY

In addition to any other authority, the Agency, its employees and representatives, and the Illinois Attorney General, his agents and representatives, shall have right of entry to Respondent's facility which is the subject of this Consent Order, at all reasonable times, for the purposes of carrying out inspections, including taking photographs, collecting samples, collecting information and enforcing the terms of this Consent Order.

XIII.

RELEASE FROM LIABILITY

In consideration of Respondent's payment of forty-two thousand five hundred (\$42,500.00) dollars, and commitment to refrain from further and future violations of the Act and regulations promulgated thereunder and RCRA and regulations promulgated thereunder, the Complainant shall release, waive and discharge Respondent from any further liability or penalties from the alleged violations of the Act which were the subject matter of the complaint herein, following receipt of all payments required in Section X of this Stipulation and Proposal for Settlement. However, nothing in this Stipulation and Proposal for Settlement shall be construed as a waiver by Complainant of

the right to redress future violations or obtain penalties with respect thereto.

WHEREFORE, Complainant and Respondent request that the Board adopt and accept this Stipulation and Proposal for Settlement as written.

AGREED:

FOR THE COMPLAINANT:


FOR THE RESPONDENT:

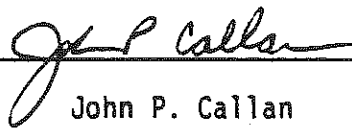
PEOPLE OF THE STATE OF ILLINOIS

ACME WILEY CORPORATION

JAMES E. RYAN
Attorney General of the
State of Illinois

MATTHEW J. DUNN, Chief
Environmental Enforcement Division


By: 
WILLIAM D. SEITH, Acting Chief
Environmental Bureau
Assistant Attorney General

By: 
John P. Callan
Vice President Finance

Dated: 7/6/95

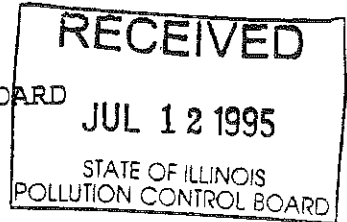
Dated: 6/23/95

ILLINOIS ENVIRONMENTAL PROTECTION
AGENCY

By: 
JOSEPH E. SVOBODA
General Counsel
Division of Legal Counsel

Dated: 7/3/95

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BEFORE THE ILLINOIS POLLUTION CONTROL BOARD

PEOPLE OF THE STATE OF ILLINOIS,

Complainant,

-vs-

ACME WILEY CORPORATION,
an Illinois corporation,

Respondent.

PCB 96 - 7
(Enforcement)

COMPLAINT

Complainant, PEOPLE OF THE STATE OF ILLINOIS, by and through JAMES E. RYAN, Attorney General of the State of Illinois, complains of Respondent, ACME WILEY CORPORATION, an Illinois Corporation as follows:

COUNT I

OPERATING A HAZARDOUS WASTE
STORAGE FACILITY WITHOUT A PERMIT

1. This Complaint is brought on behalf of the People of the State of Illinois, by James E. Ryan, Attorney General of the State of Illinois, on his own motion and upon the request of the Illinois Environmental Protection Agency ("Agency"), pursuant to the terms and provisions of Section 31 of the Illinois Environmental Protection Act ("Act"), 415 ILCS 5/31 (1992).

2. The Agency is an administrative agency established in the executive branch of the State government by Section 4 of the Act, 415 ILCS 5/4 (1992), and charged inter alia, with the duty of enforcing the Act.

3. At all times relevant to this Complaint, Respondent ACME WILEY CORPORATION ("AWC"), is an Illinois corporation located at 2480 Greenleaf Avenue, Elk Grove Village, Cook County, Illinois.

("site")

4. AWC manufactures plastic and metal signs. The wastes generated at the AWC site include paint and solvent wastes and paint filters. The paint and solvent wastes are generated when the painting guns utilized at the site are cleaned, and paint filters are generated as a result of paint overspray which collects in filters on the back wall of all three spray painting booths at the site.

5. On July 3, 1990, an inspector from the Agency inspected the site. During that inspection visit the inspector found approximately twenty-two (22) fifty-five (55) gallon drums of paint and solvent waste and paint filters being stored in two locations at the site on wooden pallets. The drums were not labeled with any words that identified their contents. Additionally, the inspector discovered that the soil in the areas where the drums were being stored was contaminated. AWC did not have a permit for the storing of waste at the site.

6. On August 29, 1990, the Agency sent a letter to AWC notifying it of the environmental violations found at the site during the July 3, 1990 inspection visit.

7. Sections 3.15, 3.26 and 3.46 of the Act, 415 ILCS 5/3.15, 5/3.26 and 5/3.46 (1992), provide the following definitions:

"HAZARDOUS WASTE" means a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious, irreversible, or incapacitating reversible, illness; or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored,

transported, or disposed of, or otherwise managed, and which has been identified, by characteristics or listing, as hazardous pursuant to Section 3001 of the Resource Conservation and Recovery Act of 1976, P.L. 94-580, or pursuant to Board regulations.

"PERSON" is any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency or assigns.

"STORAGE" when used in connection with hazardous waste, means the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.

8. Section 721.102 of the Pollution Control Board ("Board") Waste Disposal Regulations, 35 Ill. Adm. Code 721.102, titled, Definitions of Solid Waste, provides as follows:

- a) 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
- 2) A discarded material is any material which is:
 - A) Abandoned, as explained in subsection (b); or
 - B) Recycled, as explained in subsection (c); or
 - C) Considered inherently wastelike, as explained in subsection (d), below.
- b) Materials are solid waste if they are abandoned by being:
 - 1) Disposed of; or
 - 2) Burned or incinerated; or
 - 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.

9. Section 721.131 of the Board's Waste Disposal

Regulations, 35 Ill. Adm. Code 721.131, titled, Hazardous Wastes From Nonspecific Sources, provides in pertinent part as follows:

The following solid wastes are listed hazardous wastes from non-specific sources unless they are excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix 1.

Industry and
EPA Hazardous
Waste No.

Hazardous Waste

Hazard Code

Generic

* * *

F005..... The following spent non-halogenated solvents, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, benzene, 2-ethoxyethanol and 2-nitropropane; all spent solvent mixtures and blends, containing, before use, a total of ten percent or more (by volume) of one or more of the above non-halogenated solvents or those solvents listed in F001, F002, or F004; and still bottoms from the recovery of these spent solvents and spent solvent mixtures.

10. The paint and solvent waste generated from AWC's cleaning of the painting guns utilized at the site, is not the type of waste which is excluded under 35 Ill. Adm. Code 720.120 and 720.122 and listed in Appendix 1.

11. The paint and solvent waste generated from AWC's cleaning of the painting guns utilized at the site, and which is stored at the site, is "solid waste" as that term is defined at 35 Ill. Adm. Code 721.102, and "hazardous waste" as that term is defined at Section 3.15 of the Act, 415 ILCS 5/3.15 (1992), because its physical and chemical characteristics pose a substantial present or potential hazard to human health or the environment when improperly

stored or otherwise managed, and further, because it is listed as "hazardous" and has been assigned a U.S. EPA Hazardous Waste Identification Number of F005, pursuant to 35 Ill. Adm. Code 721.131.

12. Section 3.47 of the Act, 415 ILCS 5/3.47 (1992), defines "Storage Site" as:

A site as which hazardous waste is stored:

13. Section 3.43 of the Act 415 ILCS 5/3.43 (1992), defines "Site" as:

Any location, place, tract of land, and facilities, including but not limited to buildings and improvements used for purposes subject to regulations or control by this Act and regulation thereunder.

14. The storing of F005 paint and solvent waste, hazardous waste, at the site, constitute a "hazardous waste-storage" operation as those terms are defined in Sections 3.15 and 3.46 of the Act, 415 ILCS 5/3.15 and 5/3.46 (1992).

15. As a result of AWC's containment of hazardous waste at the site on a temporary basis, AWC operates a Hazardous Waste Storage Facility.

16. Section 702.110 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 702.110, titled, Definitions, provides in pertinent part as following:

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704 and 705. Terms not defined in this Section have the meaning given by the appropriate Act

"HWM facility" (RCRA) means "Hazardous Waste Management facility."

"Hazardous waste management facility ("HWM facility")" means all contiguous land, and

structures, other appurtenances and improvements on the land, used for treating, storing or disposing of "hazardous waste." A facility may consist of several "treatment", "storage" or "disposal" operational units (for example, one or more landfills, surface impoundments or combinations of them).

17. AWC's site is a hazardous waste management facility as that term is defined in Section 702.110 of 35 Ill. Adm. Code. AWC uses said site for the storing of "hazardous waste."

18. Section 21(f) of the Act, 415 ILCS 5/21(f) (1992), provides as follows:

No person shall:

f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous waste-disposal operation:

1. Without a RCRA permit for the site issued by the Agency under subsection (d) of Section 39 of this Act, or in violation of any condition imposed by such permit, including periodic reports and full access to adequate records and the inspection of facilities, as may be necessary to assure compliance with this Act and with regulations and standards adopted thereunder;
2. In violation of any regulations or standards adopted by the Board under this Act;

19. Section 703.121(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 703.121(a), titled, RCRA Permits, provides as follows:

- a. No person shall conduct any hazardous waste storage, hazardous waste treatment or hazardous waste disposal operation;
- 1) Without a RCRA permit for the HWM (hazardous waste management) facility; or
 - 2) In violation of any condition imposed by a RCRA permit;

20. AWC, an Illinois corporation engaged in the manufacturing

of plastic and metal signs is a person as that term is defined by Sections 3.26 of the Act, 415 ILCS 5/3.26 (1992), and as contemplated by Section 21(f) of the Act, 415 ILCS 5/21(f) (1992) and Section 703.121(a) of 35 Ill. Adm. Code.

21. Section 703.151(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 703.151(a), titled, Application By New HWM Facilities provides as follows:

- a) Except as provided in subsection (c), no person shall begin physical construction of a new HWM facility without having submitted Part A and Part B of the permit application and having received a finally effective RCRA permit;
- b) An application for a permit for a new HWM facility (including both Part A and Part B) may be filed at any time after promulgation of standards in 35 Ill. Adm. Code 724 applicable to any TSD unit in the facility; except as provided in subsection (c), all applications must be submitted to the Agency at least 180 days before physical construction is expected to commence;
- c) Notwithstanding subsection (a), a person may construct a facility for the incineration of polychlorinated biphenyls pursuant to an approval issued by the Administrator of U.S. EPA under Section (6)(e) of the Toxic Substances Control Act (42 U.S.C. 9601 et seq.) and any person owning or operating such facility may, at any time after construction of operation of such facility has begun, file an application for a RCRA permit to incinerate hazardous waste authorizing such facility to incinerate waste identified or listed under 35 Ill. Adm. Code 721.
- d) Such persons may continue physical construction of the HWM facility after the effective date of the standards applicable to it if the person submits Part B of the permit application on or before the effective date of such standards (or on some later date specified by the Agency.) Such person must not operate the HWM facility without having received a finally effective RCRA permit.

(Board Note: See 40 CFR 270.10(f).)

22. AWC was therefore required to obtain a RCRA permit for its site prior to conducting any hazardous waste-storage operation at said site, pursuant to Sections 703.121(a) and 150(a) of 35 Ill. Adm. Code.

23. On September 26, 1990, an inspector from the Agency inspected the site. During the visit the Agency inspector confirmed that all F005 waste that was improperly stored on the site during the July 3, 1990 inspection visit had been removed from the site to a permitted facility. However, until such time as AWC obtain a RCRA permit for the site or closes the site pursuant to the RCRA closure requirements contained in Part 725 of 35 Ill. Adm. Code, the site continues to be a Hazardous Waste Facility.

24. On May 14, 1993, an inspector from the Agency inspected the site. During that inspection visit the inspector confirmed that AWC had not obtained a RCRA permit for the site nor closed the site pursuant to the RCRA closure requirements.

25. On November 18, 1994, an inspector from the Agency inspected the site. During that inspection visit the inspector confirmed that AWC had closed the site in accordance with the RCRA closure requirements. The site was a Hazardous Waste Management Facility until it was closed on November 18, 1994, pursuant to the RCRA closure requirements.

26. Since at least July 3, 1990, and continuing to November 18, 1994, AWC conducted a hazardous waste management facility, without obtaining a RCRA permit issued by the Agency.

27. AWC, by its actions as alleged herein has violated Section 21(f)(1) and (2) of the Act, 415 ILCS 5/21(f)(1) and (2),

(1992), and Sections 703.121(a) and 703.151(a) of 35 Ill. Adm. Code. AWC, stored F005 paint and solvent waste, hazardous waste, at the site, hence it conducted a hazardous waste-storage operation at the site, a hazardous waste management facility. AWC did not obtain RCRA permit for such hazardous waste management site prior to conducting such activities at the site.

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACM WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;
2. Finding that respondent has violated Section 21(f)(1) and (2) and Sections 703.121(a) and 703.151(a) of 35 Ill. Adm. Code;
3. Ordering respondent to cease and desist from further violations of Section 21(f)(1) and (2) of the Act and Sections 703.121(a) and 703.151(a) of 35 Ill. Adm. Code;
4. Ordering respondent to properly store and dispose of hazardous waste generated at its site in accordance with the Board's Waste Disposal Regulations in the future;
5. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act and pertinent regulations against respondent;
6. Taxing all costs in this action, including expert witness, consultant and attorney fees, against respondent; and
7. Granting such other relief as this court deems appropriate and just.

COUNT II

FAILURE TO PERFORM HAZARDOUS WASTE DETERMINATION

1. - 17. Complainant realleges and incorporates by reference herein paragraphs 1 through 17 of Count I as paragraphs 1 through 17 of this Count II.

18. Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992), provides as follows:

No person shall:

- f. Conduct any hazardous waste-storage, hazardous waste-treatment or hazardous-disposal operation;
- 2. In violation of any regulations or standards adopted by the Board under this Act;

19. AWC, an Illinois corporation engaged in the manufacturing of plastic and metal signs is a person as that term is defined by Sections 3.26 of the Act, 415 ILCS 5/3.26 (1992), and as contemplated by Section 21(f) of the Act, 415 ILCS 5/21(f) (1992).

20. Section 720.110 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 720.110, titled, Definitions, provides the following definition:

"GENERATOR" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

21. As a result of AWC's operations, AWC is a generator of hazardous waste as that term is defined in Section 720.110 of 35 Ill. Adm. Code.

22. Section 722.111 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.111, titled, Hazardous Waste Determination, provides in pertinent part as follows:

A person who generates a solid waste, as defined in 35 Ill. Adm. Code 721.102, shall determine if that waste is hazardous waste using the following method:

- a) The person should first determine if the waste is excluded from regulation under 35 Ill. Adm. Code 721.104.
- b) The person should then determine if the waste is listed as hazardous waste in 35 Ill. Adm. Code 721. Subpart D.

Board Note: Even if a waste is listed, the generator still has an opportunity under 35 Ill. Adm. Code 720.122 to demonstrate that the waste from the generator's particular facility or operation is not a hazardous waste.

- c) For purposes of compliance with 35 Ill. Adm. Code 728 or if the waste is not listed as a hazardous waste in 35 Ill. Adm. Code 721 Subpart D the generator shall then determine whether the waste is identified in 35 Ill. Adm. Code 721. Subpart C by either:
 - 1) Testing the waste according to the methods set forth in 35 Ill. Adm. Code 721. Subpart C, or according to an equivalent method approved by the Board under 35 Ill. Adm. Code 720.120; or
 - 2) Applying knowledge of the hazardous characteristic of the waste in light of the materials or the processes used.
- d) If the generator determines that the waste is hazardous, the generator shall refer to 35 Ill. Adm. Code 724, 725 and 728 for possible exclusions or restrictions pertaining to the management of the specific waste.

23. AWC was required to determine if the paint and solvent waste generated when the painting guns utilized at the site are cleaned, and the paint filters generated as a result of paint overspray which collects in filters on the back walls of AWC's spray painting booths at its site, were hazardous waste pursuant to Section 722.111 of 35 Ill. Adm. Code.

24. AWC did not determine if the paint and solvent waste and

the paint filters were hazardous waste until approximately May 14, 1993.

25. Since at least July 3, 1990 and continuing until approximately May 14, 1993, AWC failed to determine if the paint and solvent waste and the paint filters stored at the site were hazardous waste.

26. By failing to perform hazardous waste determinations, AWC, violated 35 Ill. Adm. Code 722.111 and thereby, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;

2. Finding that respondent has violated Section 21(f)(2) of the Act and Section 722.111 of 35 Ill. Adm. Code;

3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act and Section 722.111 of 35 Ill. Adm. Code;

4. Assessing a civil penalty of \$25,000.00 per day for each violation of the Act, and pertinent regulations against respondent;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and

6. Granting such other relief as this Board deems proper.

COUNT III

VIOLATION OF STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

1. - 21. Complainant realleges and incorporates by reference herein paragraphs 1 through 21 of Count II as paragraphs 1 through 21 of this Count III.

22. Section 722.112(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.112(a), titled, U.S. EPA Identification Numbers, provides as follows:

- a) A generator must not treat, store, dispose of, transport or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.

23. AWC was required to obtain a U.S. EPA identification number prior to storing its paint and solvent waste and paint filters on site, pursuant to Section 722.112(a) of 35 Ill. Adm. Code.

24. AWC did not obtain a U.S. EPA identification number prior to storing its paint and solvent waste and paint filters as required by Section 722.112(a) of 35 Ill. Adm. Code, until approximately July 22, 1993.

25. During the July 3, 1990 and May 14, 1993, Agency inspection visits, the inspector noted that waste was accumulated in two locations that were at or near the point of generation inside the facility. Containers of waste accumulated in these two locations were not labeled with the words "Hazardous Waste" or with other words identifying the content of these containers.

26. Section 722.140(c) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.140(c), titled, Recordkeeping,

provides as follows:

- c) A generator must keep records of any test results, waste analyses, or other determinations made in accordance with Section 722.111 for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

27. During the July 3, 1990 Agency inspection visit, the inspector noted that AWC had not conducted a waste determination for the paint filters stored at this site. Since AWC had not conducted such waste analyses it did not keep records of waste analysis or other determination as required by Section 722.140(c) of 35 Ill. Adm. Code.

28. Section 722.141(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 722.141(a), titled, Annual Reporting, provides as follows:

- a) A generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall prepare and submit a single copy of an annual report to the Agency by March 1 for the preceding calendar year. The annual report must be submitted on a form supplied by the Agency, and must cover generator activities during the previous calendar year, and must include the following information:
 - 1) The U.S. EPA identification number, name and address of the generator;
 - 2) The calendar year covered by the report;
 - 3) The U.S. EPA identification number, name and address for each off-site treatment, storage or disposal facility in the United States to which waste was shipped during the year;
 - 4) The name and U.S. EPA identification number of each transporter used during the reporting year for shipments to a treatment, storage or disposal facility within the United States.
 - 5) A description, U.S. EPA hazardous waste number

(from 35 Ill. Adm. Code 721.Subpart C or D1, DOT hazard class and quantity of each hazardous waste shipped off-site for shipments to a treatment, storage or disposal facility within the United States. This information must be listed by EPA identification number of each off-site facility to which waste was shipped.

- 6) A description of the efforts undertaken during the year to reduce the volume and toxicity of waste generated.
- 7) A description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years to the extent such information is available for years prior to 1984.
- 8) The certification signed by the generator or the generator's authorized representative.

29. During the July 3, 1990 and May 14, 1993 inspection visits, the Agency inspector noted that AWC did not submit annual reports to the Agency by March 1, for the years 1990, 1991, 1992 and 1993, as required by Section 722.141(a) of 35 Ill. Adm. Code.

30. By failing to obtain a U.S. EPA identification number prior to storing paint and solvent waste and paint filters at its site, failing to mark its containers with the words "Hazardous Waste" or with other words that identify the contents of the containers and failing to keep records of any waste analyses or determination made and further, failing to submit a generator annual report, AWC violated Sections 722.112(a), 722.140(c) and 722.141(a) of 35 Ill. Adm. Code and, for each section violated also violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the

respondent will be required to answer the allegations herein;

2. Finding that respondent has violated Section 21(f)(2) of the Act, and Sections 722.112(a), 722.140(c) and 722.141(a) of 35 Ill. Adm. Code;

3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act and Sections 722.112(a), 722.140(c) and 722.141(a) of 35 Ill. Adm. Code;

4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and

6. Granting such other relief as this Board deems proper.

COUNT IV

VIOLATION OF GENERAL STANDARDS FOR HAZARDOUS WASTE STORAGE FACILITY

1. - 21. Complainant realleges and incorporates by reference herein paragraphs 1 through 21 of Count II as paragraphs 1 through 21 of this Count IV.

22. Section 721.111 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.111, titled, U.S. EPA Identification Number, provides as follows:

Every facility owner or operator must apply to EPA for an EPA identification number in accordance with the EPA notification procedures (45 FR 12746).

23. As the owner and/or operator of the site, AWC is required to apply to the Agency for an EPA identification number in accordance with the EPA notification procedure pursuant to 35 Ill. Adm. Code 725.111.

24. From July 3, 1990 and continuing until approximately May 14, 1993, AWC failed to apply to the Agency for an EPA identification number.

24. Section 725.113 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.113, titled, General Waste Analysis, provides in pertinent part as follows:

a) Waste analysis:

- 1) Before an owner or operator treats, stores or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

(Board Note: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility may be included in the data base required to comply with subsection (a)(1), above, except as otherwise specified in 35 Ill. Adm. code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1), above. If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.)

- 3) The analysis must be repeated as necessary to ensure that is accurate and up to date. At a minimum, the analysis must be repeated:

A) When the owner or operator is notified, or has reason to believe that the process or

operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and

- B) For off-site facilities, when the results of the inspection required in subsection (a)(4), below, indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.
- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- b) The owner or operator shall develop and follow a written waste analysis plan which describes the procedures which the owner or operator will carry out to comply with subsection (a), above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:
- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters, i.e., how analysis of these parameters will provide sufficient information on the waste's properties to comply with subsection (a), above.
 - 2) The test methods which will be used for these parameters.
 - 3) The sampling method which will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
 - A) One of the sampling methods described in 35 Ill. Adm. Code 721.Appendix A; or
 - B) An equivalent sampling method.

(Board Note: See 35 Ill. Adm. Code 720.120(c) for related discussion.)

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up-to-

date.

- 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
- 6) Where applicable, the methods which will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Section 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475 and 725.502, 725.934(d) and 725.963(d), and 35 Ill. Adm. Code 107. And,
- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
 - A) The sampling of impoundment contents:
 - B) The analysis of test data; and
 - C) The annual removal residues which are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste, and either:
 - i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Sub-part D; or
 - ii) Where no treatment standards have been established--: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f)

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26. As the owner and/or operator of the site, AWC is required to obtain a detailed chemical and physical analysis of its waste prior to storing or disposing of the waste. Further, AWC is also required to develop, comply with and keep at the site, a written waste analysis plan pursuant to 35 Ill. Adm. Code 725.113(a) and (b).

27. From July 3, 1990 and continuing until approximately July

22, 1993, AWC failed to obtain a detailed chemical and physical analysis of its waste prior to storing such waste on site, failed to develop and comply with a waste analysis plan and further failed to have a waste analysis plan available at its site.

28. Section 725.114 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.114, titled, Security, provides as follows:

- a) The owner or operator must prevent the unknowing entry and minimize the possibility for the unauthorized entry of persons or livestock onto the active portion of his facility, unless:
 - 1) Physical contact with the waste, structures, or equipment of the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility; and
 - 2) Disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility will not cause a violation of the requirements of this Part.
- b) Unless exempt under paragraphs (a)(1) and (a)(2) of this Section, a facility must have:
 - 1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which continuously monitors and controls entry into the active portion of the facility; or
 - 2)
 - A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility; and
 - B) A means to control entry at all times through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance or controlled roadway access to the facility).
- c) Unless exempt under paragraphs (a)(1) and (a)(2) of this Section, a sign with the legend "Danger--

Unauthorized Personnel Keep Out", must be posted at each entrance to the active portion of a facility and at other locations, in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger--Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and that entry onto the active portion can be dangerous.

29. As the owner and/or operator of the site, AWC is required to restrict unknowing and unauthorized entry to the site and must post a sign at the site which states "Danger...Unauthorized Personnel Keep Out", pursuant to 35 Ill. Adm. Code 725.114(a), (b) and (c).

30. From July 3, 1990 and continuing until approximately July 22, 1993, AWC failed to restrict unknowing and unauthorized entry to their site and further failed to post a sign bearing the legend "Danger...Unauthorized Personnel Keep Out" at the site.

31. Section 725.115 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.115, titled, General Inspection Recommendations, provides in pertinent part as follows:

- a) The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors and discharges which may be causing--or may lead to--the conditions listed below. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.
 - 1) Release of hazardous waste constituents to the environment; or
 - 2) A threat to human health.
- b) Written schedule.
 - 1) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency

equipment, security devices and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting or responding to environmental or human health hazards.

- 2) The owner or operator shall keep this schedule at the facility.
 - 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
 - 4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum the inspection schedule must include the items and frequencies called for in Sections 725.274, 725.293, 725.295, 725.326, 725.360, 725.378, 725.404, 725.447, 725.477, 725.503, 725.933, 725.952, 725.953 and 725.958, where applicable.
- c) The owner or operator shall remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problems does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately,

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32. As the owner and/or operator of the site, AWC is required to inspect the site for early identification of problem(s) before such problem(s) cause harm to human health and the environment and to promptly correct any problem identified. Additionally AWC must also develop, follow and maintain at the site a written inspection schedule for inspecting all monitoring, safety and emergency equipment inspecting all security devices and operating structural

equipment important to prevent, detecting or responding to environmental or human health hazards, pursuant to 35 Ill. Adm. Code 725.115(a), (b) and (c).

33. From July 3, 1990 and continuing approximately July 22, 1993, AWC failed to identify and to promptly remedy problem(s) at the site that could cause harm to human health and the environment and failed to develop, follow and maintain a written inspection schedule at the site.

34. Section 725.116 of the Board's Waste Disposal Regulations, 35 Ill. Adm Code 725.116, titled, Personal Training, provides in pertinent part as follows:

- a) 1) Facility personnel must successfully complete a program of classroom instruction or on-the job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this Part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3) of this Section.
- 2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed.
- 3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems, including where applicable:
 - A) Procedures for using, inspecting, repairing and replacing facility emergency and monitoring equipment;
 - B) Key parameters for automatic waste feed cut-off systems;

- C) Communications or alarm systems;
- D) Response to fires or explosions;
- E) Response to groundwater contamination incidents; and
- F) Shutdown of operations.

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35. As the owner and/or operator of the site, AWC is required to provide personnel training program which trains its personnel to perform their job function in a way that ensures the site's compliance with the Board's standards for waste storage facilities, pursuant to 35 Ill. Adm. Code 725.116(a).

36. From July 3, 1990 and continuing until approximately July 22, 1993, AWC failed to provide a personnel training program which trains its personnel to perform their job function in a manner that ensures the site's compliance with the Board's regulations for waste storage facilities.

37. Section 725.117 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.117, titled, General Requirements for Ignitable, Reactive or Incompatible Wastes, provides as follows:

- a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specifically designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.
- b) Where specifically required by other Sections of this Part, the treatment, storage or disposal or

ignitable or reactive waste and the mixture or commingling of incompatible waste or incompatible wastes and materials, must be conducted so that it does not:

- 1) Generate extreme heat or pressure, fire or explosion or violent reaction;
- 2) Produce uncontrolled toxic mists, fumes, dusts or gases in sufficient quantities to threaten human health;
- 3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
- 4) Damage the structural integrity of the device or facility containing the waste; or
- 5) Through other like means threaten human health or the environment.

38. As the owner and/or operator of the site, AWC is required to take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, pursuant to 35 Ill. Adm. Code 725.117(a) and (b).

39. During the July 3, 1990 inspection of the site by inspectors from the Agency, it was noted that "No Smoking" signs were not posted near the area where hazardous waste was being stored and further, AWC had taken no action to remediate the spills which occurred in said area.

40. AWC, violated 35 Ill. Adm. Code 725.111, 725.113(a) and (b), 725.114(a), (b) and (c), 725.115(a), (b) and (c), 725.116(a) and 725.117(a) and (b) by:

- i) Failing to apply for an EPA identification number;
- ii) Failing to obtain a chemical analysis for the paint filters prior to its disposal;
- iii) Failing to develop a written waste analysis plan;
- iv) Failing to restrict entry to its site;

- v) Failing to conduct inspections of its drums storage area;
- vi) Failing to develop, follow and maintain a written inspection schedule at its site;
- vii) Failing to post signs at the entrance of the drum storage area;
- viii) Failing to institute remedial action regarding the hazardous waste that was spilled around the drum storage area;
- ix) Failing to have a personnel training program;
- x) Failing to post "No Smoking" signs near the drums storage area; and

thereby for each regulations violated, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;
2. Finding that respondent violated Section 21(f)(2) of the Act for each violation of Section 725.111, 725.113(a) and (b), 725.114(a), (b) and (c), 725.115(a), (b) and (c), 725.116(a) and 725.117(a) and (b);
3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act and Sections 725.111, 725.113(a) and (b), 725.114(a), (b) and (c), 725.115(a), (b) and (c), 725.116(a) and 725.117(a) and (b);
4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;
5. Taxing all costs in this action, including expert

witness, consultant and attorney fees, against the respondent; and

6. Granting such other relief as this Board deems proper.

COUNT V

VIOLATION OF PREVENTION STANDARDS

1. - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count II as paragraphs 1 through 18 of this Count V.

19. Section 725.131 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.131, titled, Maintenance and Operation of Facility, provides as follows:

Facilities must be maintained and operated to minimize the possibility of a fire, explosion or any unplanned or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment.

20. On or before July 3, 1990 and continuing until September 26, 1990, AWC failed to maintain and operate its site so as to minimize the threat to human health or the environment as required by Section 72.131 of 35 Ill. Adm. Code by allowing hazardous waste to be spilled at the site.

21. Section 725.132 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.132, titled, Required Equipment, provides as follows:

All facilities must be equipped with the following, unless none of the hazards posed by waste handled at the facility could require a particular kind of equipment specified below:

- a) An internal communications or alarm system capable of providing immediate emergency instruction (voice or signal) to facility personnel;

- b) A device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments or State or local emergency response teams;
- c) Portable fire extinguisher, fire control equipment (including special extinguishing equipment, such as that using forma, inert gas or dry chemicals), spill control equipment and decontamination equipment; and
- d) Water at adequate volume and pressure to supply water hose streams or foam producing equipment or automatic sprinklers or water spray systems.

22. The storing of hazardous waste at AWC's site poses such hazard that would require AWC to have a communication device or alarm system at the site in accordance with the requirements of 35 Ill. Adm. Code 725.132.

23. On or before July 3, 1990 and continuing until September 26, 1990, AWC failed to have a communication device at its site.

24. Section 725.135 of the Board's Waste Disposal Regulation, 35 Ill. Adm. Code 725.135, titled, Required Aisle Space, provides as follows:

The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

25. On or before July 3, 1990 and continuing until September 26, 1990, AWC did not maintain adequate aisle space at the site to allow movement within the area of operation as required by Section 725.135 of 35 Ill. Adm. Code.

26. Section 725.137 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.137, titled, Arrangements with

Local Authorities, provides as follows:

- a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the service of these organizations.
 - 1) Arrangements to familiarize police, fire departments and emergency response teams with the layout of facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility and possible evacuation routes;
 - 2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department and agreements with any others to provide support to the primary emergency authority;
 - 3) Agreements with State emergency response contractors and equipment suppliers; and
 - 4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.
- b) Where state or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

27. On or before July 3, 1990 and continuing until July 14, 1993, AWC had not made or attempted to make with local authorities, the arrangements required by Section 725.173 of 35 Ill. Adm. Code.

28. By failing to maintain and operate its site so as to minimize the threat to human health or the environment, failing to have a communication device or alarm system at the site, failing to maintain aisle space to allow the unobstructed movement within the area of operation and, further, failing to make the necessary emergency arrangements with local authorities, AWC violated 35 Ill.

Adm. Code 725.131, 725.132, 725.135 and 725.137 and thereby, for each violation also violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;
2. Finding that respondent violated Section 21(f)(2) of the Act for each violation of Sections 725.131, 725.132, 725.135 and 725.137 of 35 Ill. Adm. Code;
3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act and Sections 725.131, 725.132, 725.135, 725.137 of 35 Ill. Adm. Code.
4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;
5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and
6. Granting such other relief as this Board deems proper.

COUNT VI

FAILURE TO HAVE A CONTINGENCY PLAN FOR THE FACILITY

1. - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count II as paragraphs 1 through 18 of this Count VI.

19. Section 725.151(a) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.151(a), titled, Purpose and Implementation of Contingency Plan, provides as follows:

- a) Each owner or operator must have a contingency plan for this facility. The contingency plan must be designed to minimize hazards to human health or the environment from fire, explosions or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil or surface water.

20. Section 725.155 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.155, titled, Emergency Coordinator, provides as follows:

At all times, there must be at least one employee either on the facility premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan.

21. Section 725.156 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.156, titled, Emergency Procedures, provides as follows:

- a) Wherever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) must immediately:
 - 1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
 - 2) Notify appropriate state or local agencies with designated response roles if their help is needed.
- b) Wherever there is a release, fire or explosion, the emergency coordinator must immediately identify the character, exact source, amount and a real extent of

any released materials. He may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

- c) Concurrently, the emergency coordinator must assess possible hazards to human health or the environment that may result from the release, fire or explosion. This assessment must consider both direct and indirect effects of the release, fire or explosion (e.g., the effects of any toxic, irritating or asphyxiating gases that are generated or the effects of any hazardous surface water runoffs from water or chemical agents used to control fire and heat-induced explosion).
- d) If the emergency coordinator determines that the facility has had a release, fire or explosion which could threaten human health or the environment outside the facility, he must report his findings as follows:
 - 1) If his assessment indicates that evacuation of local areas may be advisable, he must immediately notify appropriate local authorities. He must be available to help appropriate officials decide whether local areas should be evacuated; and
 - 2) He must immediately notify either the government official designated as the on-scene coordinator for the geographical area (in the applicable regional contingency plan under 40 CFR Part 1510) or the National Response Center (using their 24-hour toll free number (800) 424-8802). The report must include:
 - A) Name and telephone number of reporter;
 - B) Name and address of facility;
 - C) Time and type of incident (e.g., release, fire);
 - D) Name and quantity of material(s) involved, to the extent known;
 - E) The extent of injuries, if any; and
 - F) The possible hazards to human health or the environment outside the facility.
- e) During an emergency the emergency coordinator must take all reasonable measures necessary to ensure that fires, explosions and releases do not occur,

recur or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing released waste and removing or isolating containers.

- f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes or other equipment, wherever this is appropriate.
- g) Immediately after an emergency, the emergency coordinator must provide for treating, storing or disposing of recovered waste, contaminated soil or surface water or any other material that results from release, fire or explosion at the facility.

Comment: Unless the owner or operator can demonstrate, in accordance with Section 721.103(c) or (d) that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage in accordance with all applicable requirements of Parts 722, 723 and 725.

- h) The emergency coordinator must ensure that, in the affected area(s) of the facility:
 - 1) No waste that may be incompatible with the released material is treated, stored or disposed of until cleanup procedures are completed; and
 - 2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- i) The owner or operator must notify the Director and other appropriate state and local authorities that the facility is in compliance with paragraph (h) of this Section before operations are resumed in the affected area(s) of the facility.
- j) The owner or operator must note in the operating record the time, date and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, he must submit a written report on the incident to the Director. The report must include:

- 1) Name, address and telephone number of the owner

or operator;

- 2) Name, address and telephone number of the facility;
- 3) Date, time and type of incident (e.g., fire, explosion);
- 4) Name and quantity of material(s) involved;
- 5) The extent of injuries, if any;
- 6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- 7) Estimated quantity and disposition of recovered material that resulted from the incident.

22. On or before July 3, 1990 and continuing until approximately July 28, 1993, AWC did not have a contingency plan for its site as required by Section 725.151(a) of 35 Ill. Adm. Code. Additionally, AWC did not have an emergency coordinator for the site and also did not have a plan of action to be implemented by the emergency coordinator in the event of an imminent or actual emergency at the site, as required by Sections 725.155 and 725.156 of 35 Ill. Adm. Code.

23. By failing to have a contingency plan, an emergency coordinator for the site and a plan of action for implementation in the event of an imminent or actual emergency at the site, AWC violated Sections 725.151(a), 725.155 and 725.156 and thereby, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the

respondent will be required to answer the allegations herein;

2. Finding that respondent violated Section 21(f)(2) of the Act for each violation of Section 725.151(a), 725.155 and 725.156 of 35 Ill. Adm. Code;

3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act Sections 725.151(a), 725.155 and 725.156;

4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and

6. Granting such other relief as this Board deems proper.

COUNT VII

VIOLATION OF RECORD KEEPING REQUIREMENT

1. - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count II as paragraphs 1 through 18 of this Count VII.

19. Section 725.173 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.173, titled, Operating Record, provides in pertinent part as follows:

- a) The owner or operator shall keep a written operating record at the facility.
- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.
 - 1) A description and the quantity of each hazardous waste received and the method or methods and dates or dates its of its treatment, storage or disposal at the facility as required by Appendix A;
 - 2) The location of each hazardous waste within the

facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-reference to specific manifest document numbers if the waste was accompanied by a manifest;

- 3) Records and results of waste analysis and trial tests performed as specified in Sections 723.113, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475 and 725.502, 725.934 and 35 Ill. Adm. Code 728.104(a) and 728.107;
- 4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(j);
- 5) Records and results of inspections as required by Section 725.115(d) (except these data need to be kept only three years);
- 6) Monitoring, testing or analytical data where required by Subpart F or . . . ;
- 7) All closure costs estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244;
- 8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);

* * *

- 10) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

* * *

- 14) For an on-site storage facility, the information contained in the notice (except the

manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

20. Defendant, AWC, is required to keep a written record at its site, pursuant to Sec Section 725.173 of 35 Ill. Adm. Code.

21. Since at least July 3, 1990 and continuing until approximately July 22, 1993, AWC failed to keep a written operating record at its site.

22. By failing to keep a written operating record at the site, AWC violated Section 725.173 of 35 Ill. Adm. Code and thereby, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;

2. Finding that respondent violated Section 21(f)(2) of the Act and Section 725.173 of 35 Ill. Adm. Code;

3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act and Section 725.173 of 35 Ill. Adm. Code;

4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and

6. Granting such other relief as this Board deems proper.

COUNT VIII

VIOLATION OF REPORTING REQUIREMENT

1. - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count II as paragraphs 1 through 18 of this Count VIII.

19. Section 725.175 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.175, titled, Annual Report, provides as follows:

The owner or operator shall prepare and submit a single copy of an annual report to the Agency by March 1 of each year. The report form and instructions supplied by the Agency must be used for this report. The annual report must cover facility facilities during the previous calendar year and must include the following information:

- a) The U.S. EPA identification number (Section 725.111), name and address of the facility;
- b) The calendar year covered by the report;
- c) For off-site facilities, the U.S. EPA identification number of each hazardous waste generator from which the facility received a hazardous waste during the year; for imported shipments, the report must give the name and address of the foreign generator;
- d) A description and the quantity of each hazardous waste the facility received during the year. For off-site facilities this information must be listed by U.S. EPA identification number of each generator;
- e) The method of treatment, storage or disposal for each hazardous waste;
- f) Monitoring data under Section 725.194(a)(2)(B) and (c) and (b)(2) where required;
- g) The most recent closure cost estimate under Section 725.242 and for disposal facilities the most recent post-closure cost estimate under Section 725.244;
- h) For generators which treat, store or dispose of hazardous waste on-site, a description of the

efforts undertaken during the year to reduce the volume and toxicity of the waste generated;

- i) For generators which treat, store or dispose of hazardous waste on-site, a description of the changes in volume and toxicity of waste actually achieved during the year in comparison to previous years, to the extent such information is available for years prior to 1984; and
- j) The certification signed by the owner or operator of the facility or the owner or operator's authorized representative.

20. AWC was required to prepare and submit to the Agency an annual report by March 1 of each year pursuant to 725.175 of 35 Ill. Adm. Code.

21. AWC failed to prepare and submit to the Agency annual reports for calendar years 1989, 1990, 1991 and 1992, on or before March 1, 1990, March 1, 1991, March 1, 1992 and March 1, 1993. The Agency did not receive all overdue annual reports until July 22, 1993.

22. By failing to prepare and submit to the Agency by March 1, 1990, March 1, 1991, March 1, 1992 and March 1, 1993 annual reports for calendar years 1989, 1990, 1991 and 1992, AWC violated Section 725.175 of 35 Ill. Adm. Code and thereby, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;

2. Finding that respondent violated Section 21(f)(2) of the Act and Section 725.175 of 35 Ill. Adm. Code;

3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act and Section 725.175 of 35 Ill. Adm. Code;

4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and

6. Granting such other relief as this Board deems proper.

COUNT IX

VIOLATION OF CLOSURE REQUIREMENTS

1. - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count II as paragraphs 1 through 18 of this Count IX.

19. Section 702.110 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 702.110, titled, Definitions, provides in pertinent part as follows:

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704 and 705. Terms not defined in this Section have the meaning given by the appropriate Act

"HWM facility" (RCRA) means "Hazardous Waste Management facility."

"Hazardous waste management facility ("HWM facility)" means all contiguous land, and structures, other appurtenances and improvements on the land, used for treating, storing or disposing of "hazardous waste". A facility may consist of several "treatment", "storage" or "disposal" operational units (for example, one or more landfills, surface impoundments or combinations of them).

20. AWC's site, is a hazardous waste management facility as that term is defined in Section 702.110 of 35 Ill. Adm. Code. AWC

used said site for the storing of "hazardous waste."

21. Section 725.210 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.210, titled, Applicability, provides in pertinent part as follows:

Except as 725.102 provides otherwise:

- a) Sections 725.211 through 725.214 (which concern closure) apply to the owners and operators of all hazardous waste management facilities;

22. Section 725.212(a), of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.212(a), titled, Closure Plan: Amendment of Plan, provides as follows:

- a) Written Plan. Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plan, it must also be provided during the site inspections of the day of inspection to any officer, employee or representative of the Agency.

23. Section 725.212(a) of 35 Ill. Adm. Code was made applicable to AWC by Section 725.210 of 35 Ill. Adm. Code. AWC is the owner and/or operator of the site, a hazardous waste management facility.

24. As the owner and/or operator of the site, a hazardous waste management facility, AWC was required to have a written closure plan for the site pursuant to Section 725.212(a) of the 35 Ill. Adm. Code. AWC did not have a written closure plan for the site until July 28, 1993.

25. Since at least July 3, 1990 and continuing until July 28,

1993, AWC failed to have a written closure plan for its site, a hazardous waste management facility.

26. By failing to have a written closure plan for its site, a hazardous waste management facility, AWC violated Section 725.212(a) of 35 Ill. Adm. Code and thereby, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;
2. Finding that respondent violated Section 21(f)(2) of the Act and Section 725.212(a) of 35 Ill. Adm. Code;
3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act and Section 725.212(a) of 35 Ill. Adm. Code;
4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;
5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and
6. Granting such other relief as this Board deems proper.

COUNT X

VIOLATION OF WASTE CONTAINER REQUIREMENT

1. - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count II as paragraphs 1 through 18 of this Count X.

19. Section 725.274 of the Board's Waste Disposal

Regulations, 35 Ill. Adm. Code 725.274, titled, Inspections, provides as follows:

The owner or operator must inspect areas where containers are stored at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

20. Since at July 3, 1990 and continuing until approximately July 22, 1993, AWC failed to inspect its container storage area at least once a week, as required by Section 725.274 of 35 Ill. Adm. Code.

21. AWC by its acts or omission as allege above has violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992), by conducting a hazardous waste storage operation in violation of Section 725.274 of 35 Ill. Adm. Code.

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Answering a hearing in this matter at which time the respondent will be required to answer the allegations herein;

2. Finding that respondent violated Section 21(f)(2) of the Act and Section 725.274 of 35 Ill. Adm. Code;

3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act and Section 725.274 of 35 Ill. Adm. Code;

4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and

6. Granting such other relief as this Board deems proper.

COUNT XI

VIOLATION OF LOCATION REQUIREMENT FOR IGNITABLE
OR REACTIVE WASTE

1. - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count II as paragraphs 1 through 18 of this Count XI.

19. Section 725.276 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 725.276, titled, Special Requirements for Ignitable or Reactive Waste, provides as follows:

Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

20. AWC was required to store its F005 waste, hazardous waste, at least 50 feet from its property line.

21. On July 3, 1990 during the Agency's inspection visit at the site, the Agency inspector found F005 waste stored less than 50 feet from the site's property line.

22. By failing to store its F005 waste 50 feet or more from its property line, AWC violated Section 725.276 of 35 Ill. Adm. Code. By violating Section 725.276 of 35 Ill. Adm. Code AWC also violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;

2. Finding that respondent violated Section 21(f)(2) of the Act and Section 725.276 of 35 Ill. Adm. Code;

3. Ordering respondent to cease and desist from violations

of Section 21(f)(2) of the Act and Section 725.276 of 35 Ill. Adm. Code;

4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;
5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and
6. Granting such other relief as this Board deems proper.

COUNT XII

VIOLATION OF LAND DISPOSAL REQUIREMENTS

1. - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count II as paragraphs 1 through 18 of this Count XII.

19. Section 728.107(a) and (a)(1) of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 728.107(a) and (a)(1), titled, Waste Analysis and Recordkeeping, provides as follows:

- a) Except as specified in Section 728.132, where a generator's waste is listed in 35 Ill. Adm. code 721.Subpart D. the generator shall test his waste, or test an extract using the test method described in 35 Ill. Adm. Code 721. Appendix B, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part. Except as specified in Section 728.132, if a generator's waste exhibits one or more of the characteristics set out at 35 Ill. Adm. Code 721.Subpart C, the generator must test an extract using the test method described in 40 C.F.R. 268. Appendix IX (Extraction Procedure (EP) Toxicity Test Method and Structural Integrity Test (SW-846. Method 1310A)) as incorporated by reference in 35 Ill. Adm. 720.111, or use knowledge of the waste, to determine if the waste is restricted from land disposal under this Part. If the generator determines that his waste displays the characteristic of ignitability (D001) (and is not in the High TOC Ignitable Liquids Subcategory or is not treated by INCIN, FSUBS, or RORGS of Section 728. Table C of this part),

or the characteristic or corrosivity (D002), and is prohibited under Section 728.137, the generator must determine what underlying hazardous constituents (as defined in Section 728.103 of this Part), are reasonably expected to be present in D001 or D002 waste.

- 1) If a generator determines that the generator is managing a restricted waste under this Part and determines that the waste does not meet the applicable treatment standards set forth in Subpart D of this Part or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart D of this Part and any applicable prohibition levels set forth in Section 728.132 or 728.139. The notice must include the following information:
 - A) U.S. EPA Hazardous Waste Number:
 - B) The corresponding treatment standards for wastes F001-F005, F039, wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139, and for underlying hazardous constituents (as defined in Section 728.102 of this Part), in D001 and D002 wastes must either be included, or be referenced by including on the notification the applicable wastewater (as defined in Section 728.102(f)) or nonwastewater (as defined in Section 728.102(d)) category, the applicable subcategory made within a waste code based on waste-specific criteria (such as D003 reactive cyanides), and the Section(s) and subsection(s) where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Table C (e.g., INCIN, WETOX) also must be listed on the modification:
 - C) The manifest number associated with the

shipment of waste; and

D) Waste analysis data, where available. For hazardous debris, the contaminants subject to treatment as provided by Section 728.145(b) and the following statement:
"This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. Code 728.145; and

E) Waste analysis data, where available.

20. AWC was required by Section 728.107(a) to test the waste generated at its site to determine if the waste is restricted from land disposal. Additionally, AWC was required to provide notice to the treatment or storage facility receiving each shipment of its F005 waste, of the appropriate treatment standard for such waste, pursuant to Section 728.107(a)(1).

21. During the July 3, 1990, Agency inspection of the AWC site, the Agency inspector discovered that AWC had failed to test the paint filter waste generated at its site to determine if such wastes are restricted from land disposal. Additionally, AWC had failed to provide notice of the appropriate treatment standard for each shipment of its F005 waste, to the treatment or storage facility receiving such waste.

22. As a result of its acts and omissions described herein, AWC has violated Sections 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992), and Section 728.107(a) and 107(a)(1) of 35 Ill. Adm. Code.

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;

2. Finding that respondent violated Section 21(f)(2) of the Act and Section 728.107(a) and (a)(1);

3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act and Section 728.107(a) and (a)(1);

4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and

6. Granting such other relief as this Board deems proper.

COUNT XIII

RESTRICTED WASTE STORAGE VIOLATIONS

1. - 18. Complainant realleges and incorporates by reference herein paragraphs 1 through 18 of Count II as paragraphs 1 through 18 of this Count XIII.

19. Section 728.150 of the Board's Waste Disposal Regulations, 35 Ill. Adm. Code 728.150, titled, Prohibition on Storage of Restricted Wastes, provides in pertinent part as follows:

a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C is prohibited, unless the following conditions are met:

- 1) A generator stores such wastes in tanks, containers or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery treatment or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.134 and 35 Ill. Adm. Code 725 and 725. (A generator who is in existence on the effective date of a regulation under this Part and who must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may,

qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. 703.153.)

- 2) As owner or operator of a hazardous waste treatment, storage or disposal facility stores such wastes in tanks, containers or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and
 - A) Each container is clearly marked to identify its contents and the date each period of accumulation begins;
 - B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the owner and operator shall comply with the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.

20. The F005 waste, known hazardous waste, generated at AWC's site is of the type that is restricted from land disposal under Subpart C of 35 Ill. Adm. Code. Thus, AWC is required to clearly identify the content of the contained in which such waste is stored and also indicate the date each period of waste accumulation begins, pursuant to Section 728.150 of 35 Ill. Adm. Code.

21. From at least July 3, 1990 and continuing until July 22, 1993, AWC did not clearly identify the containers of F005 waste, to identify the containers' contents and further, did not indicate the date each period of such waste accumulation began.

22. As a result of AWC's action or omission described herein, AWC has violated Section 728.150 of 35 Ill. Adm. Code and thereby, violated Section 21(f)(2) of the Act, 415 ILCS 5/21(f)(2) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;
2. Finding that respondent violate Section 21(f)(2) of the Act and Section 728.150(a) of 35 Ill. Adm. Code;
3. Ordering respondent to cease and desist from violations of Section 21(f)(2) of the Act and Section 728.150(a) of 35 Ill. Adm. Code;
4. Assessing a civil penalty of \$25,000.00 per day against respondent for each violation of the Act, and pertinent regulations;
5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and
6. Granting such other relief as this Board deems proper.

COUNT XIV

VIOLATION OF SPECIAL WASTE DELIVERY REQUIREMENTS

1. - 17. Complainant realleges and incorporates by reference herein paragraphs 1 through 17 of Count II as paragraphs 1 through 17 of this Count XIV.

18. On July 3, 1990, during the Agency's inspection of the site, the Agency inspectors discovered that AWC's dirty paint filters were placed with general refuse and delivered to an unlicensed special waste hauler for disposal.

19. Section 3.17 of the Act, 415 ILCS 5/3.17 (1992), provides the following definition:

"INDUSTRIAL PROCESS WASTE" means any liquid solid, semi-solid, or gaseous waste generated

as a direct or indirect result of the manufacture of a product or the performance of a service. Any such waste which would pose a present or potential threat to human health or to the environment or with inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means is an industrial process waste. "Industrial Process Waste" includes but is not limited to spent pickling liquors, cutting oils, chemical catalysts, distillation bottoms, etching acids, equipment clearings, paint sludges, incinerator ashes, core sand, metallic dust sweepings, asbestos dust, hospital pathological wastes and off-specification, contaminated or recalled wholesale or retail products. Specifically excluded are uncontaminated packaging materials, uncontaminated machinery components, general household waste, landscape waste and construction or demolition debris.

20. The paint filters which AWC caused or allowed to be placed with general refuse and delivered to an unlicensed special waste hauler for disposal is an "industrial process waste" as that term is defined at Section 3.17 of the Act, 415 ILCS 5/3.17 (1992), because it is generated as a direct or indirect result of the performance of a service, and it would pose a present or potential threat to human health or the environment, and/or have inherent properties which make the disposal of such waste in a landfill difficult to manage by normal means.

21. Section 3.26 of the Act, 415 ILCS 5/3.26 (1992), provides the following definition:

"PERSON" is any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency or assigns.

22. AWC, an Illinois corporation engaged in the manufacturing of plastic and metal signs is a person as that term is defined by

Sections 3.26 of the Act, 415 ILCS 5/3.26 (1992), and as contemplated by Section 21(f) of the Act, 415 ILCS 5/21(f) (1992).

23. Section 21(e) of the Act, 415 ILCS 5/21(e) (1992), provides as follows:

No person shall:

Dispose, treat, store or abandon any waste, or transport any waste into this State for disposal, treatment, storage or abandonment, except at a site or facility which meets the requirements of this Act and of regulations and standards thereunder.

24. Section 809.301 of the Board Waste Disposal Regulations, 35 Ill. Adm. Code 809.301, titled, Requirements for Delivery of Special Waste to Haulers, provides as follows:

No person shall deliver any special waste generated within Illinois, or for disposal, storage or treatment within Illinois unless that person concurrently delivers a manifest completed in accordance with Subpart E of this Part to a special waste hauler who holds a current, valid special waste hauling permit issued by the Agency under Subpart B of this Part.

25. Section 3.45 of the Act, 415 ILCS 5/3.45 (1992), defines "special waste" as any "industrial process waste," "pollution control waste," or "hazardous waste."

26. The paint filter wastes which AWC caused or allowed to be delivered to an unlicensed special waste hauler for disposal are "industrial process waste" and therefore are "special wastes" as those terms are defined at Sections 3.15 and 3.45 of the Act, 415 ILCS 5/3.15 and 5/3.45 (1992).

27. As a person who delivered special waste generated in Illinois to a special waste hauler for disposal, AWC was required to complete a manifest and concurrently delivers said manifest to a

waste hauler who holds a current valid waste handling permit, pursuant to Section 809.301 of 35 Ill. Adm. Code.

28. On or before July 3, 1990 or a date better known to AWC and continuing until May 14, 1993, AWC delivered special waste generated in Illinois to an unlicensed special waste hauler for disposal without completing and concurrently delivering a manifest to accompany the paint filter wastes, industrial process wastes and special wastes, from delivery to the destination of the special wastes.

29. By its failure to complete and to deliver a completed manifest to a hauler who holds a current valid special waste hauling permit issued by the Agency, AWC violated Section 809.301 of 35 Ill. Adm. Code, and thereby, also violated Section 21(e) of the Act, 415 ILCS 5/21(e) (1992).

WHEREFORE, complainant, PEOPLE OF THE STATE OF ILLINOIS, requests that the Board enter an order against respondent, ACME WILEY CORPORATION:

1. Authorizing a hearing in this matter at which time the respondent will be required to answer the allegations herein;
2. Finding that respondent violated Section 21(e) of the Act and Section 809.301 of 35 Ill. Adm. Code;
3. Ordering respondent to cease and desist from violations of Section 21(e) of the Act and Section 809.301 of 35 Ill. Adm. Code;
4. Assessing a civil penalty of \$50,000.00 per day against respondent for each violation of the Act, with an additional penalty of \$10,000.00 per day for each day the violations continue;

5. Taxing all costs in this action, including expert witness, consultant and attorney fees, against the respondent; and
6. Granting such other relief as this Board deems proper.

PEOPLE OF THE STATE OF ILLINOIS

JAMES E. RYAN
Attorney General
State of Illinois

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file



May 25, 1994

RECEIVED
MAY 27 1994
OFFICE OF RCRA
WASTE MANAGEMENT DIVISION
EPA, REGION V

ACME-WILEY CORPORATION
SIGNS AND SYSTEMS
2480 GREENLEAF AVENUE
ELK GROVE VILLAGE, ILL. 60007
PHONE 708/364-2250

RECEIVED

MAY 31 1994

U. S. EPA, REGION V
SWB - PMS

Attn: Sharon Kiddon
RCRA Notifications Coordinator
Waste Management Division
UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
77 West Jackson Boulevard
Chicago, IL 60604-3590

RECEIVED
WMD RECORD CENTER

JUL 07 1994

Dear Ms. Kiddon,

Please refer to the attached documentation which was submitted by myself to your agency via certified mail on April 7, 1994.

The purpose for submitting this revised 8700-12 was to update the information on Section X (Description of Hazardous Waste). In the confirmation letter that was sent by your agency, you did acknowledge receiving this form and updated the name of the current installation contact. However, you did not acknowledge the changes that must be made to Section X.

Please review the following pages and confirm that this information has been received and updated.

Thank you in advance for your cooperation.

Very truly yours,
ACME-WILEY CORPORATION

Kathleen A. Roeben
Human Resources Manager

KAR:vn